

9 SEPTEMBER 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2111	3137		Affidavit of Charles Ream Jackson, Warrant Officer, U. S. Marine Corps		27926
2076	3138		Telegraphic Report of the International Red Cross, dated August 1945		27938
2296 & 2296-1	3139		Series of Letters of Appreciation to the POW Camp Commanders in Japan		27941
2214	3140		List of POW Camps Inspected in 1942		27949
2141	3141		Statement by Father Marella		27953
<u>MORNING RECESS</u>					27962
2244	3142		Record of the Court-Martial of three POW's		27963
1592	3143		Affidavit of SAITO, Yoshie		27964
1936	3144		Affidavit of MATSUMOTO, Shunichi		27982
1656	3145		Book entitled "Outline of Treaties and Proceedings Between Japan, Italy and Germany"		27984
1656-A	3145-A		Excerpts therefrom		27985
<u>NOON RECESS</u>					27999

9 SEPTEMBER 1947

I N D E X
Of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2477	3146		Affidavit of Eugen Ott		28019
2120	3147		Affidavit of MURATA, Yachiho		28026
	3148		Book entitled "History of the Chinese Com- munist Party for the Year 1932"	28036	
			<u>AFTERNOON RECESS</u>		28038
	3149		Book entitled "History of the Chinese Com- munist Party for the Year 1933"	28046	
	3150		Book entitled "History of the Chinese Com- munist Party for the Year 1934"	28047	
	3151		Book entitled "History of the Chinese Com- munist Party for the Year 1935"	28047	
	3152		Book entitled "History of the Chinese Com- munist Party for the Year 1936"	28048	
	3153		Book entitled "History of the Chinese Com- munist Party for the Year 1937"	28049	
2463	3154		Affidavit of BABA, Shachi		28053

9 SEPTEMBER 1947

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1801	3155		Map of the Hailar Sappa Area prepared by the Japanese Land Survey Department showing the Manchukuo-Mongolia Border following the River Khalkin		28062
1802-A to 1802-E	3156 3156-A to 3156-D		Set of five Maps prepared by the Japanese Land Survey Department from 1933 to 1936 - the Nomonhan Area showing the Manchukuo-Mongolia Boundary follows the Khalkin-Gol from Lake Bulir Nor		28063
1803-A to 1803-F	3157 3157-A to 3157-E		Set of six Maps (taken from exhibit No. 2713)		28064

9 SEPTEMBER 1947

I N D E X
of
WITNESSES

Defense' Witnesses

Page

SAITO, Yoshie (recalled)	27964
Direct by Mr. Cunningham	27964
(Witness excused)	27982
HATANO, Kanichi	28049
(Witness released)	28052

1 Tuesday, 9 September 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE R. B. PAL, Member
14 from India, not sitting from 0930 to 1600.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

17 - - -

18 (English to Japanese and Japanese
19 to English interpretation was made by the
20 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in ses-
3 sion.
4

5 THE PRESIDENT: Major Moore.

6 LANGUAGE ARBITER (Major Moore): If the
7 Tribunal please, we present the following language
8 corrections:
9

10 Exhibit 2234, record page 16,029, line 4, de-
11lete "to my friends" and substitute ", (comma) follow-
12ing the advice of my colleagues, (comma)"; delete
13"various."
14

15 Line 5, substitute "at various places" for
16"all over the country."
17

18 Line 16, delete from "such" to "ridiculed"
19and substitute "I was made fun of."
20

21 THE PRESIDENT: In chambers counsel for the
22accused ARAKI applied for subpoena for certain wit-
23nesses, twenty-four in all. For the time being, sub-
24poena will not be issued. I understand from Mr. Mc-
25Manus, counsel for the accused, that affidavits have
been obtained from those witnesses. Those affi-
davits can be tendered in the ordinary way and will be
dealt with on their merits. If the witness in any case
is required for examination or cross-examination,
then his attendance will be directed, and if necessary,

a subpoena will issue.

Mr. Freeman.

MR. FREEMAN: If the Tribunal please, continuing from yesterday, I read into evidence exhibit 3137.

1 "Having been duly sworn, does hereby depose
2 and state as follows:

3 "My name is Charles Ream Jackson, and I am a
4 Commissioned Warrant Officer of the United States
5 Marine Corps. I have been in the military and naval
6 service more or less continuously since 14 June, 1917.
7 Prior to entering the Marine Corps on 3 September,
8 1927, I had some eight years service in the Infantry
9 and Coast Artillery of the Army, rising to the rank of
10 First Lieutenant. I resigned, with an honorable
11 record, on 27 July, 1925; was commissioned a First
12 Lieutenant in the Officers Reserve Corps, Infantry,
13 with a certificate of capacity for Captain. I resign-
14 ed this commission to enter the Marine Corps.
15

16 "In the Marine Corps I rose to the rank of
17 Sergeant Major, the highest an enlisted man could go,
18 and at the outbreak of war was serving as the Battal-
19 ion Sergeant Major of the Second Battalion, Fourth
20 Marine Regiment. I served through Bataan and Correg-
21 idor, was twice wounded and twice awarded the Purple
22 Heart, and was awarded the Silver Star decoration for
23 gallantry in action against the enemy.

24 "As a prisoner, I was confined mainly in
25 Cabanatuan Prison Camp, leaving there about the middle
of August of 1944, and arrived in Hanowa Camp, Akita

1 Prefecture, Honshu Island, Japan, shortly after the
2 1st day of September, 1944.

3 "I had suffered from bacillic dysentery,
4 amoebic chronic dysentery, edema and neuritis beri
5 beri, ambliopia - a sort of dimness of vision caused
6 by starvation - ulcers, malaria, pellagra, and gen-
7 eral malnutrition, among other ailments. At the
8 time I arrived in Hanowa my main sicknesses were chron-
9 ic amoebic dysentery, recurrent malaria, pellagra, and
10 both types of beri beri. I weighed about one hundred
11 twenty-five pounds, some fifty pounds underweight.
12 I had about recovered from my wounds.

13 "I consider my mental condition perfectly
14 normal, considering the conditions of my captivity.

15 "At the time of our arrival, a young Second
16 Lieutenant of the Imperial Army was in command of
17 the camp - I recall not his name - and he was replaced
18 some six weeks later by one First Lieutenant ASAKA of
19 the Japanese Infantry.

20 "There were five hundred enlisted prisoners,
21 Captain Elmer P. Fleming, Field Artillery Reserve,
22 First Lieutenant Richard T. Pullen, Coast Artillery
23 Reserve, Major Jackson of the Army Medical Corps,
24 and First Lieutenant John E. Lamy, likewise of the
25 Medical Corps. There were some eight Army Medical

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2 1st day of September, 1944.

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16 Lieutenant of the Imperial Army was in command of
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18 some six weeks later by one First Lieutenant ASAKA of
19 the Japanese Infantry.

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21 Captain Elmer P. Fleming, Field Artillery Reserve,
22 First Lieutenant Richard T. Pullen, Coast Artillery
23 Reserve, Major Jackson of the Army Medical Corps,
24 and First Lieutenant John E. Lamy, likewise of the
25 Medical Corps. There were some eight Army Medical

1 Corpsmen, all enlisted, included in the five hundred.

2 "For the first ten days we loafed and rested,
3 with extra rice, but never enough food for our starved
4 bodies. Camp details were set by Captain Fleming, and
5 rosters prepared. We were organized into one group to
6 work on the top side of the copper mine, working muck;
7 another group to work in the machine shop; about four
8 groups to work beneath the ground mining ore; a group
9 in the smeltery, and the aforesaid camp detail group.
10 This last was the prized and desirable detail, and
11 was set by Captain Fleming.

12 "The Mitsubishi Mine People had gone to con-
13 siderable expense and trouble to receive us, and had
14 built a new barracks to house us. It was better made
15 than the ordinary construction in the village, as I
16 could see. It was obvious, since we had all been
17 processed at Bilibid Prison in the Philippines, and
18 marked 'fit' by American doctors - the sick were
19 taken off the detail - that the Mine folk expected
20 five hundred able-bodied men. However, as I said, I
21 was by American standards a sick man, and so were most
22 of the others.
23

24 "A Japanese Doctor whom we called the 'Black
25 Prince' came in after we had been there for a month
or less. Major Jackson was a too kindhearted man, and

1 had placed about three hundred and fifty of these pris-
2 oners on quarters, meaning they were too sick to work.
3 He was no diplomat, hated the Japanese, and refused to
4 back down from his position that if these men went to
5 work, they would soon die. The 'Black Prince' shook
6 most of them off the list, all but forty, whom he con-
7 sidered very sick. The rest were sent to the Mine. It
8 was obvious that the Army authorities and Mine folk
9 wanted to know why these men were not working, and
10 pressure was put on Lieutenant Asaka to get them back
11 to work.

12 "The Doctors were relieved from all duties,
13 and a medical sergeant, whom we called 'Cyclops', ran
14 the sick call. He gradually let the quarters list in-
15 crease to nearly eighty men. Lieutenant Pullen, who
16 knew a little Japanese, was sick-call interpreter.
17 'Cyclops' was totally ignorant of his duties, and was
18 putting smooth malingerers of long practice in such on
19 the quarters list and sending sick men to work. Around
20 November 20 he sent a Private of the Army named Miller
21 up to the Mine to work, and Miller died on the way back
22 of pneumonia, aggravated by malnutrition. At the same
23 time a Japanese Inspection Party was in the camp. As
24 a result, Doctor Jackson was sent to some Tokyo Hos-
25 pital or other; Doctor Lamy partly resumed medical dut-

1 ies, supervised by 'Cyclops' - a now subdued and
2 chastened man - and some two weeks later, we got Doct-
3 or Dan Golenternek, Captain of the Army Medical Corps,
4 in as Camp Surgeon. This man was a splendid physician,
5 and a master diplomat in working with the Japanese. He
6 took full charge, and in a short time, as the bitter
7 cold came upon us, around three hundred or more were
8 on the quarters list.

9 "Lieutenant ASAKA even had in civilians for
10 heavy work, such as clearing snow off the roofs, and
11 emptying the latrines, assisted in this latter, par-
12 tially, by the prisoners.

13 "'Cyclops' got up a sort of forty-bed hospit-
14 al, and things began to get better. From what I per-
15 sonally observed of the adjacent Chinese and Korean
16 prisoners, and the free Japanese Mine workmen, by
17 Oriental standards we were treated very well. By
18 our American standards, we were badly treated. But
19 then there was a war on, and our captors were Oriental.

20 "Punishments were handed out, as far as poss-
21 ible, by Captain Fleming, who, as far as I knew, never
22 reported a man to the Japanese. These were of a minor
23 nature, mainly forfeiture of the small tobacco ration
24 for theft from each other and from the common food
25 supply. The Japanese punished on the spot with a

1 slapping that hurt mostly our dignity for petty off-
2 enses, such as not saluting properly, being out of
3 uniform in freezing weather, and petty thefts, when
4 detected.

5 "It was several months before ASAKA put any-
6 one in the Brig, and practically every man who went in
7 there richly deserved it. They stole from fellow
8 prisoners, or from the common food supply. The
9 Brig was a tough place, with no heat, and ASAKA let
10 most of them out in the cold weather on recommenda-
11 tion of Doctor Golenternek before their sentences had
12 expired.

13 "I considered ASAKA very lenient in punish-
14 ment. Men sold in the Mine Japanese Army blankets,
15 shoes, and other articles issued them by the Army and
16 Mine people. In most cases, they were reissued new
17 clothes, and nothing much was done about it.

18 "However, he required a rigid military eti-
19 quette - these prisoners refused, almost to a man to
20 cooperate - and his guards slapped people around
21 plenty, but with no brutal beatings. However, some
22 of the civilian 'Guides' were very brutal at the Mine,
23 out of sight of ASAKA, who always stepped in to stop
24 such practices in my opinion, as far as I could see.
25 Sergeant Ralph Pope, Engineers, Army, had his arm

1 broken by a 'Guide' known as 'The Rat'. Whether an
2 official report was ever made to ASAKA I do not know.

3 "After Lieutenant Colonel Walker, Aviation,
4 took over as Senior Officer Prisoner, he threatened
5 to report men to ASAKA, and did so for theft. One
6 Technical Sergeant Lebeau went into the Brig, with
7 the hearty approval of all of us, for confirmed and
8 repeated thieveries, around the end of March, and
9 stayed there, except for occasional hospital treat-
10 ment until nearly July, 1945. Colonel Walker recom-
11 mended him to ASAKA for such punishment, and told us
12 he had done so, for Lebeau rated it.

13 "The only beatings I ever saw the 'Cyclops'
14 hand out were at the beginning of cold weather, when
15 he ordered men to be fully clothed outside barracks,
16 as a health measure. They blithely ignored his orders;
17 one afternoon he laid for them, and slapped those he
18 caught out of uniform. On one other occasion, march-
19 ing us around for 'Bango' dismissal as Senior Non-
20 commissioned Present, we refused, in our hatred and
21 stubbornness to do it with snap and precision, and
22 several men were lightly slapped.

23 "On the whole, 'Cyclops' was our friend. He
24 gave the sick meager gifts, for his pay was very little,
25 and got that hospital going. They relieved him around

1 late March, and his going was regretted. His success-
2 or was a nondescript 'buck passer', who did little for
3 or against the prisoners. 'Cyclops' even thought
4 enough of his former patients to come back and pay
5 them a visit at his own expense later on in the summer,
6 and this should be credited him as a good mark.

7 "First Sergeant Jack Boyd, Army Infantry,
8 having been informed by Captain Fleming, who got it
9 from ASAKA, that all prisoners were to be executed in
10 the event of a major landing on any one of the four
11 home islands, and several other prisoners, stole
12 dynamite, caps and fuses from the Mine in order to
13 make a last ditch defense when the shooting started.
14 There must have been forty pounds secreted under the
15 floors of the barracks. Around the end of April, as we
16 came in from the Mine, we heard it had been discovered,
17 and there would be an investigation. In the Philipp-
18 ines we would have been shot first, and investigated
19 later. At evening 'Bango' ASAKA, who spoke English,
20 but never condescended to use it to the prisoners,
21 addressed us through the Camp Interpreter. To our
22 relief, he said no one would be punished, but the next
23 time there would be a court martial, and probable death
24 penalty.
25

"The prisoner rations were entirely separate

1 from those of the Guards, though cooked in the same
2 galley. Captain Fleming, and later, Colonel Walker,
3 supervised the distribution. These officers tried
4 their best to make a fair distribution, but the man
5 stole from the food supply, to eat themselves, and
6 sell the rest for tobacco.

7 "From what I personally observed, the Guards
8 had about half as much more to eat as we did, and the
9 Mine civilians had about the same amount, or possibly
10 a little more, than us. What ASAKA, TAKAHASHI (First
11 Sergeant and Second in Command), SANHAI (Police,
12 Quartermaster and Mess Sergeant), and 'Cyclops' had
13 to eat I cannot say, but I saw this much - they lost
14 weight, day by day, and I make a guess that the loss
15 averaged twenty pounds per man. It would have been
16 very easy for them to have eaten all they wanted, and
17 I credit them for their honesty in this matter.

18 "Christmas came, with Red Cross packages,
19 four twelve-pound boxes per man. To us these were
20 the rarest of delicacies. We counted those precious
21 packages as they were unloaded at the railroad station,
22 we knew exactly how many there were. I am positive
23 that outside of some thefts by the prisoners, no
24 Japanese ever stole any of them. We bitterly hated
25 ASAKA because he tantalized us by issuing them in

1 increments - maybe Doctor Golenternek was back of that -
2 but this was the best thing for all of us, starved as
3 we were.

4 "The Japanese Guards would have given anything
5 for those packages, and it was a source of great trouble
6 and worry to ASAKA to keep those packages properly
7 guarded.

8 "ASAKA began to short us on the rations, to
9 build up a storeroom. The impression we got from the
10 Japanese was the war was to be a ten year one, of
11 attrition, and we had better save food for next year.
12 The Army, suffering from the blockade, might not have
13 enough for us. He prudently built up quite a lot.
14 After surrender, before the planes dropped us 'K-rations'
15 he gave us all we could eat, and more besides.

16 "Once, with Captain Fleming, TAKAHASHI was
17 talking about the general treatment of prisoners, and
18 I heard him say, 'Oh, you cannot kill these prisoners.
19 The Commandant (ASAKA)' is responsible for their lives
20 and well being.'

21 "All in all, from personal observation, I con-
22 sidered ASAKA hard and strict, a true professional
23 soldier, who took care to safeguard lives and health.
24 He had little food and medicines to do it with, and
25 condoned repeated thieveries from the Mine of fuel,

1 trading with the civilians, and violations of Army
2 orders.

3 "There were periodic inspections by the high
4 command from Tokyo of the prisoners. Soldier-like,
5 ASAKA had the camp cleaned up, and prisoners dressed
6 their best, just like inspections in our own Army.
7 However, as far as I know, no prisoner was permitted
8 to interview the inspecting officers and state griev-
9 ances.

10 "In this particular camp, only eight men died.
11 One was the result of a mine cave-in, Private Werner,
12 U.S. Marine Corps; one was tuberculosis, First Ser-
13 geant McCarthy, of the Army, and I think the rest were
14 plain pneumonia, aggravated by general malnutrition
15 and despondent heartbreak. Out of five hundred and
16 sixty men, for we had received an increase of British
17 prisoners, this seems to be pretty good, from what I
18 have heard of other camps. There was positively no
19 sadistic tortures or aggravated brutality, such as I
20 saw in the Philippines. Outside of the Brig, and the
21 slappings from the Guards, there was not much to com-
22 plain of in the way of punishments.

23 "This 11th day of August, 1947."
24
25

1 THE PRESIDENT: Mr. Freeman, why was Mr.
2 Jackson not brought here?

3 MR. FREEMAN: He is in California, if the
4 Court please; and while it would have been possible,
5 I brought the affidavit to the prosecution and asked
6 if they required cross-examination, and they didn't
7 want to cross-examine.

8 THE PRESIDENT: Apparently he has quite
9 another story about the treatment of prisoners of war
10 in the Philippines, but we cannot pass on the merits
11 of that. We have not heard that story.

12 MR. FREEMAN: If the Tribunal please, I
13 next offer in evidence defense document 2076, which
14 is a telegraphic report relative to the treatment of
15 prisoners of war. This was passed over yesterday.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 2076
18 will receive exhibit No. 3138.

19 (Whereupon, the document above referred
20 to was marked defense exhibit 3138 and received in
21 evidence.)

22 MR. FREEMAN: I read into evidence exhibit
23 3138:
24

25 "PRESS INTERCROIXROUGE GENEVA

"CAMPREPORT 2129 CONTINUATION 2128 INTERVIEWED

1 PRESENCE CAMPCOMMAND USARMY MAJOR FE FELLOWS BRACKET
2 SEE HURYOJOHOKYOKU AM/39 UNBRACKET SENIOROFFICER
3 POW REPRESENTATIVE FOR LAST TWO YEARS QUOTE SITUA-
4 TION AS GOOD AS THEY CAN EXPECT COMFORTABLY WELL
5 HOUSED FED AND CLOTHED MEDICINES SUFFICIENT CURRENT-
6 NEEDS BUT ANXIOUS KNOWING WHETHER FURTHER REDCROSS
7 SUPPLIES AVAILABLE GOT THROUGH LAST WINTER VERY
8 NICELY ONLY ONE DEATH WERE KEPT WARM ALL IRCC RELIEF
9 TURNED OVER TO HIM FOR DISTRIBUTION HEALTH CONDITIONS
10 CONSIDERABLY IMPROVED SINCE LAST YEAR NO SERIOUS ILL-
11 NESS NOBODY ON DOWNGRADE MEN BECOMING ACCLIMATIZED
12 WEIGHTS IMPROVED OVERALL WEIGHT INCREASE HALFKILO
13 HOWEVER FIVE TO SIXKILOS FOR FIRST ARRIVALS NEW SHOES
14 PROBLEM AS ALMOST IMPOSSIBLE GETTING LARGE ENOUGH
15 SIZES REMAINING CLOTHING ISSUED REPAIRMATERIAL ADE-
16 QUATE FOOD GOOD FRESH VEGETABLESUPPLY BASICRATIONS
17 KEPT UNTO SPECIFICATION RECREATION LIMITED BY TWO
18 FACTORS FIRSTLY AVAILABLE TIME AFTER WORK SECONDLY
19 SPACE WHICH INSUFFICIENT FOR GAMES SUCHAS BASEBALL
20 HAVE GOOD ORCHESTRA BUT COULD STAND ANOTHER GRAMOPHONE
21 LIBRARY RECEIVED ONLY ONE SHIPMENT DURING LAST FOUR-
22 TEEN MONTHS OF LESS THAN FIFTY VOLUMES SHOULD LIKE
23 SEEING MORE BOOKS GREAT TIMELAG IN COMMUNICATING
24 WITH FAMILIES TRANSITTIME APPROXIMATELY ONEYEAR EITHER
25 WAY WROTE MIDDLE OCTOBER RECEIVED ONLY ONE SHIPMENT

DURING LAST FOURTEEN MONTHS OF LESS THAN FIFTY
 VOLUMES SHOULD LIKE SEEING MORE BOOKS GREAT TIME LAG
 IN COMMUNICATING WITH FAMILIES TRANSIT TIME APPROXIMATELY
 ONE YEAR EITHER WAY WROTE MIDDLE OCTOBER FORTYTHREE
 RECEIVED ANSWER MAY FORTYFIVE WHEREAS ALREADY HAD
 REPLY TO RADIOGRAM DISPATCHED SEPTEMBER FORTYFOUR
 IF MAIL COULD BE SPEEDED UP WOULD MEAN BIG LOAD OFF MENS
 MIND RECEIVED AMCROSS BULLETIN FIFTEEN MONTHS AGO
 WHICH GREATLY APPRECIATED AS MEN LIKE HEARING THINGS OF
 LOCAL INTEREST NONE SINCE BRACKET COPIES OF AMCROSS NEWS
 NUMBER THREE FOUR SEVEN READY FOR DISPATCH AT
 TOKYO MAIN CAMP UNBRACKET RECEIVED COMMUNICATIONS FROM
 US GOVERNMENT CONCERNING FAMILY MAINTENANCE AND INSURANCE
 NOTHING SIMILAR FROM CANADIAN BRITISH NETHERLANDS
 GOVERNMENTS ALTHOUGH RELATIVE POW KEENLY INTERESTED
 ESPECIALLY REGARDING ALLOWANCES PAID FAMILIES SHOULD
 APPRECIATE ANY SUCH INFORMATION WE MAY HAVE OR
 RECEIVE FOR PUBLICATION TO MEN AS CAMP COMMAND WOULD
 HAND IT OVER TO HIM PROMPTLY NOTHING BEING KEPT BACK."

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1 THE PRESIDENT: Do you know what camp this
2 refers to, Mr. Freeman?

3 MR. FREEMAN: I am advised it is a camp in
4 the Tokyo area. They are referred to there by number.

5 THE PRESIDENT: It refers to the Tokyo main
6 camp, but it does not say what camp it is.

7 MR. FREEMAN: I understand they are branch
8 camps, and those numbers refer to them. I will be
9 glad to ascertain the camp name and report it back.

10 I next offer in evidence defense document
11 2296 and 2296-1 which is a series of letters of apprec-
12 iation to the POW Camp Commanders in Japan.

13 THE PRESIDENT: Admitted on the usual terms.

14 MR. FREEMAN: That includes document 2296
15 and 2296-1 which should have been the same. 2296-1
16 was separated from 2296, but they are all letters
17 from the same source and under the same certificate.

18 THE PRESIDENT: They will be marked as one
19 exhibit.

20 CLERK OF THE COURT: Defense document 2296
21 and 2296-1 will receive exhibit No. 3139.

22 (Whereupon, the documents above
23 referred to were marked defense exhibit
24 No. 3139 and received in evidence.)

25 MR. FREEMAN: I read into evidence exhibit

3139:

"Saturday the 25th August 1945.

"To: 1st Lieut. Hiraishi, Hiroki, Camp Commander, No. 21 Prisoner of War Camp Fukuoka.

"Sir: It is my privilege as Commander of the British and Australian troops, at present here under your protection, to convey the appreciation of all ranks for the concern which you have shown for, and the efforts which you have made to relieve the monotony of our short stay here.

"Since our arrival here on the 1st June 1945 we have realized something of the increasing difficulties under which you have performed your duties; but the tolerance of your Command in the past and your immediate consent to my request for organized excursions out of the Camp, has earned for you the profound respect of all ranks.

"We hope for your continued co-operation and look forward to the progressive improvement of our relation during the rest of our stay here.

"A. S. Divies, Warrant Officer,
in charge of British and Australian Troops.

"Camp Commandant, No. 1 Prisoner of War Camp,
Fukuoka.

1 "Sir: It is the desire of the under-signed
2 British Warrant Officers to express our gratitude for
3 the gentlemanly manner in which you have conducted the
4 affairs of this Camp since taking over the role of
5 Commandant.

6 "The policy which you adopted has, in our
7 opinion, saved many lives and eased so much of the
8 misery we all experienced in the past.

9 "We extend on behalf of the British soldiers
10 in this camp our heartfelt thanks and pray good health
11 and happiness to you and yours in the days to come.

12 "R. While,

13 "F. Smith.

14 "No. 1 Prisoner of War Camp,
15 Fukuoka, 31st August 1945.

16 "To whom it may concern:

17 "This will certify that Mr. Tsukasa,
18 Furusho, commander of Fukuoka Prison Camp No. 23,
19 is deserving of any consideration possible due to
20 his fair and considerate treatment of the American
21 War prisoners under his control.

22 "We consider him a loyal Japanese subject
23 and a true officer of the Imperial Army. He has al-
24 ways conducted himself as we would like to conduct
25 ourselves under the same circumstances.

"Frank M. Turner,
Captain, U. S. Army.

"Thomas W. Taggart,
Captain, U. S. Army.

"Please convey our best wishes to Mr. Eriwitchi and other members of the staff with whom we have come in contact and trust that only the better times shall remain in our memories, and that henceforth peace shall always be maintained between your country and ours.

"Would you please convey a message of heartfelt gratitude to Mr. Nagasawa; from Pte. Ross (No. 289) for the timely and utmost assistance when he received the injury to his leg at work recently.

"Wishing you all peace and happiness for the future, on behalf of the members of No. 2 furnace squad, and in particular,

"Yours Sincerely,

"SGT. H. H. Hallam."

1 I pass this next letter because there is no
2 signature on it.

3 Page 6:

4 "To: The Manager,
5 Ore Dressing Mill,
6 Iruka.

7 "Dear Sir,

8 "I am writing to thank you on behalf of the
9 men who worked in your mill as prisoners of war, for
10 your thoughtfulness and kindness toward us. Your
11 personal interest in our welfare, and the care you
12 took in instructing us in our individual jobs, employ-
13 ing each man in the capacity in which he was most in-
14 terested and happy, did much to dispel any gloom
15 from our minds, and made us feel like ordinary work-
16 ing men."

17 If the Court please, I am informed I should
18 have read page 5 first. They are numbered in reverse
19 order. I ask that that correction be made in the
20 record. I do not intend to go back and read it.

21 THE PRESIDENT: Leave it as it is now.

22 MR. FREEMAN: (Reading continued)

23 "I must also mention your kindness and sympa-
24 thetic attitude toward anyone who was sick during
25 working hours. All members have expressed the desire

1 to possess a copy of your permanent address, so that
2 they may communicate with you. If you can let me
3 have a copy I will ensure that everyone become ac-
4 quainted with it.

5 "I must also mention the workmen who were
6 our instructors, they deserve our thanks, especially,
7 and I hope you will convey this to them, Minami of
8 the 4th Floor, Takino of the vacuum, and Tunada of
9 the 6th Floor stores.

10 "Goodbye and good luck to you Sir,

11 "Sincerely Yours

12 "S. Falcus.

13 "Iruka

14 "25th August, 1945"

15 Page 8:

16 "TO WHOM IT MAY CONCERN:

17 "Corporal Jiro IKEDA, Imperial Nipponese
18 Army, has been on duty as Sergeant Major at this Pris-
19 oner of War Camp No. seven (7) from June 2, 1945 to
20 date during which time I have been Prisoner Commander.

21 "Corporal Jiro IKEDA has performed his duties
22 efficiently and fairly with exceptional courtesy to
23 all Prisoners of War at a time when this was not the
24 normal attitude of our guards.

25 "I feel personally indebted to Corporal Jiro

1 IKEDA for his courtesy to myself and my men. I speak
2 for all one hundred ninety-five Americans here in
3 requesting such courtesy and consideration as you can
4 grant him.

5 "GUY H. STUBBS

6 Lt. Col. CAC

7 U. S. ARMY"

8 This document is marked 2296-1:

9 "Letter of Thanks To the Chief of the POW
10 Camp, Mukden.

11 "1. On behalf of all the American prisoners
12 of war here in this camp, I wish to express my grati-
13 tude for the efforts made by all the personnel who
14 are engaged in health inspections for the purpose of
15 investigating the causes and the present conditions
16 of our bad health, and thereby, deciding measures for
17 its improvement and cure.

18 "2. All of us are much impressed by the
19 most painstaking and thorough-going method and atti-
20 tude taken by these experts. We believe that in
21 spite of the difficulty of their task they will sure-
22 ly achieve satisfactory results.

23 "3. We have received very kind treatment
24 since we came to this camp. It was beyond our expec-
25 tation to have such concern shown for our welfare. I

1 firmly believe that all of us concerned are so grate-
2 ful that they will never throughout their lives for-
3 get this experience.

4 "S. H. Hankins, Major, USA
5 Chief of American Liaison Section
6 POW Camp, Mukden."

7 I do not desire to read the remainder.

8 THE PRESIDENT: Is that the correct date,
9 "17 February, 1947"?

10 MR. FREEMAN: That, I understand, is '45.

11 I next offer in evidence defense document
12 2214, which is a list of POW camps inspected by the
13 International Red Cross and others from 1942 to 1945,
14 giving the names of those inspecting the various
15 camps, the date and camp inspected. I do not desire
16 to read any part of this document.

17 THE PRESIDENT: It does not state the re-
18 sults of the inspection, does it?

19 MR. FREEMAN: I have read into evidence
20 several reports by Red Cross people who are in this
21 list.

22 THE PRESIDENT: Yes. You do not intend to
23 read this?

24 MR. FREEMAN: No.

25 THE PRESIDENT: What is the next document?

1 CLERK OF THE COURT: It has not been marked
2 yet.

3 THE PRESIDENT: Give it a number then.

4 CLERK OF THE COURT: Defense document 2214
5 will receive exhibit No. 3140.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 3140 and received in evidence.)

9 MR. FREEMAN: 2214 is withdrawn from the
10 order of proof.

11 I next offer in evidence defense document
12 2485 which is an affidavit by Sister Mary Mercedes
13 who was an internee in Japan during the war.

14 2214 was just given an exhibit No. I'm
15 sorry.

16 THE PRESIDENT: Colonel Mornane.

17 LIEUT. COLONEL MORNANE: If the Tribunal
18 please, the prosecution objects to the introduction
19 of this document on the ground that it is irrelevant.
20

21 THE PRESIDENT: When we see it, we may be
22 able to appreciate your argument. So far, it has not
23 been handed to us.

24 Yes. We will hear your argument now.

25 LIEUT. COLONEL MORNANE: It is the affidavit

1 of a lady as to her experiences in civil internment
2 camps in Japan -- in Tokyo. The prosecution has not
3 offered any evidence as to treatment, good or other-
4 wise, in internment camps in Japan -- that is, in
5 civil internment camps. Therefore, I submits that
6 this document is irrelevant.

7 THE PRESIDENT: Yes, Mr. Freeman.

8 MR. FREEMAN: I will accept that admission.

9 THE PRESIDENT: You make no allegation about
10 the ill-treatment of persons interned in civil in-
11 ternment camps in Japan?

12 LIEUT. COLONEL MORNANE: That is so, if
13 the Tribunal pleases.

14 MR. FREEMAN: If the Tribunal pleases, I
15 still believe this affidavit is relevant under the
16 charge of conspiracy of the accused.

17 THE PRESIDENT: The conspiracy alleged does
18 not embrace civil internment camps in Japan. That
19 is the prosecution's case. The objection is sus-
20 tained and the document rejected.

21 MR. FREEMAN: I next offer in evidence de-
22 fense document 2141 which is a statement by Father
23 Marella.
24

25 LIEUT. COLONEL MORNANE: If the Tribunal
pleases, the prosecution also objects to this docu-

1 ment. Generally, it states that Archbishop Marella
2 was allowed to visit certain camps in Japan and
3 certain of his priests were allowed to visit these
4 camps for the purpose of providing religious conso-
5 lation. It goes on to say, or he goes on to say they
6 did not have "either the right or the duty to see to
7 the observation of international conventions or to
8 protest in the event of their contravention."

9 He says nothing as to the conditions of the
10 camps that he visited, but he does say there were
11 cases where prisoners praised efforts of overseers
12 to make their lives less hard. No allegation has been
13 made that prisoners of war were denied religious con-
14 solation in Japan.

15 THE PRESIDENT: He suggests there were. He
16 suggests that the priests more often presides at
17 funerals than assisted at dying.

18 LIEUT. COLONEL MORNANE: The letter says --

19 THE PRESIDENT: And he says that is the
20 Japanese mentality. Anyhow, you are making no alle-
21 gation even if he does.

22 LIEUT. COLONEL MORNANE: There is no allega-
23 tion in the prosecution's case. That is, we haven't
24 proved anything.

25 Now, specifically, we object, on the second

1 page, about the middle of the page, commencing "I
2 lived." "I lived a long time in Japan before the war
3 and more or less shared the fate of the Japanese
4 people in the course of the hostilities. By making
5 use of this experience I should like, without seek-
6 ing to excuse or justify anything, to explain the
7 mentality of the country in so far as it concerns
8 prisoners of war."

9 Now, pursuing that, he goes on to the last
10 paragraph on the second page: "In order to arrive
11 at an impartial judgment it is necessary to add that
12 the Japanese do not have the idea of a prisoner that
13 a long Christian culture has given us."

14 Continuing that paragraph to the end of that
15 paragraph and the end of the first paragraph on the
16 third page, also the final paragraph on the third
17 page. We specifically object to those particular
18 paragraphs, the general effect of them being, we
19 say, irrelevant. If, on the other hand, the motives
20 which caused the Japs to act may be relevant, well,
21 then we say that is a matter for the Tribunal, and
22 the Archbishop is not in a position to give these
23 conclusions.
24

25 THE PRESIDENT: It assumes the treatment was
generally bad, but it was due to the Japanese mental-

1 ity. How that helps, I do not know.

2 You are contesting nothing he says? There
3 is no issue covering it, is that so?

4 LIEUT. COLONEL MORNANE: With regard to what
5 he says, the facts he states we do not contest at
6 all.

7 THE PRESIDENT: You are contesting the rele-
8 vancy, of course.

9 LIEUT. COLONEL MORNANE: Yes. And on the
10 other hand we are contesting the conclusions he draws,
11 but we say there that that is without the scope.

12 MR. FREEMAN: If the Tribunal pleases, I
13 would like to be heard before the objection is ruled
14 on.

15 THE PRESIDENT: I think a majority of the
16 Court are prepared to admit it for what it is worth,
17 excluding opinions and the last paragraph.

18 CLERK OF THE COURT: Defense document 2141
19 will receive exhibit No. 3141.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 No. 3141 and received in evidence.)
23
24
25

1 MR. FREEMAN: I shall read into evidence
2 exhibit 3141 with the exception of the last paragraph,
3 is that correct?

4 THE PRESIDENT: And omitting any opinions.
5 We will tell you what we do not admit.

6 MR. FREEMAN (Reading): "Under the instruc-
7 tions of the Holy See, this delegation occupied itself
8 during the war in assuaging the lot of prisoners of
9 war and civil internees in Japan as well as of Japanese
10 civil internees abroad.

11 "To this end an information service was organ-
12 ized; the lists sent by the Japanese General Staff to
13 the International Red Cross served as a card index. As
14 requests for information arrived by mail or by special
15 broadcasts over the Vatican radio these indexes served
16 to identify the person more accurately and to find his
17 internment camp as well. Requests or family corres-
18 pondence were then routed through the Foreign Ministry
19 and the Japanese military mail service. There even
20 went out sums of money destined for prisoner of war
21 camps outside Japan, in accordance with the instructions
22 of the Holy See."

23 "Overtures were made to obtain for the Apostol-
24 ic Delegate authorization to visit prisoner of war
25 camps and to bring to all, irrespective of their

the International Red Cross served as a card index. As

1 religion, the consolation within his power. Inter-
2 national agreements did not recognize this right
3 except on the part of the International Red Cross and
4 representatives of the protecting powers, but permis-
5 sion was nevertheless given. This was a simple favor
6 which did not give me as a matter of course either
7 the right or the duty to see to the observation of
8 international conventions or to protest in the event
9 of their contravention. The object was purely human-
10 itarian: to console the prisoners.

11 "During the years 1943 and 1944 I visited in
12 this manner some thirty camps in the interior of Japan
13 between Fukuoka and Sendai, accompanied each time by a
14 functionary of the Foreign Ministry to help me on the
15 trip and in my relations with the police and the mili-
16 tary authorities. Almost everywhere I was cordially
17 received by the camp authorities who regulated the pro-
18 gramme of visits to the best of their instructions.
19 Usually this commenced with the reading of a report on
20 the general situation of the camp, the number of in-
21 habitants, and health, sanitation, food and clothing
22 conditions. There then followed a quick inspection of
23 the surroundings and an interview in the presence of the
24 officers and an interpreter, of someone or other repre-
25 senting the camps. The other prisoners were then

1 usually at work.

2 "Naturally the prisoners could hardly speak
3 openly under these conditions. Nevertheless, there
4 were cases when prisoners praised the efforts made by
5 their overseers to render their life less hard.

6 "In addition to these visits it would have
7 been nice to distribute provisions and clothing as is
8 done in other countries by the representatives of the
9 Holy See, but everything was severely rationed and it
10 was impossible to obtain anything of this sort. As
11 the most frequently expressed desire of the prisoners
12 was to obtain something to read, a certain number of
13 works, particularly in English, were purchased on the
14 Tokyo market, but only a small number reached the
15 prisoners as far as I can make out. This was not
16 because of the authorities' desire to cause suffering
17 but the consequence of an exaggerated sense of responsi-
18 bility. No book could be sent to the prisoners without
19 being examined line by line by censors who knew little
20 English, and who were few in number and very busy and
21 who above all could not arrive at an opinion as to
22 whether to pass a book or not.

23
24 "Another desire of the prisoners was to get
25 news of their families. They were permitted to write
three or four times a year but many letters were lost

1 and replies came rarely. I strongly demanded that
2 they be as generous as possible in the matter of
3 correspondence.

4 "I lived a long time in Japan before the war
5 and more or less shared the fate of the Japanese
6 people in the course of the hostilities. By making
7 use of this experience I should like, without seeking
8 to excuse or justify anything, to explain the mentality
9 of the country insofar as it concerns prisoners of
10 war. Apart from every atrocity and abuse, the condi-
11 tion of the prisoners in respect of quarters and
12 clothing was entirely that of the common people. The
13 discipline was that of the Japanese army which in
14 certain respects is extremely hard.

15 "In Japan the standard of living was always
16 much lower than usual, but during the war it dropped
17 extremely still and the people had almost nothing to
18 eat and could buy clothing only with the few clothing
19 coupons allotted to them for one year. They were
20 housed one on top of another and the government pro-
21 vided space of only two yards square per person for
22 Japanese workers in war factories. Such conditions
23 naturally became insupportable and cruel for members of
24 the allied armies without affecting the Japanese to the
25 same extent.

1 "In order to arrive at an impartial judg-
2 ment it is necessary to add that the Japanese do not
3 have the idea of a prisoner that a long Christian
4 culture has given us. They naturally despised this
5 class of person and no Japanese soldier was permitted
6 under any circumstance to allow himself to be captured.
7 Officers, by the way, used to state that what they were
8 doing in favor of allied prisoners was absolutely one-
9 sided, for they themselves would never have any
10 prisoners.

11 "The fact of being entirely assimilated by
12 the Japanese and submitted to their customs, often
13 contrary to our own, led to the belief in deliberate
14 humiliations when such was not at all the idea: commun-
15 al Japanese bath, the practice of working almost naked,
16 etc.

17 "The wide difference in religion, furthermore,
18 led to the fact that through simple ignorance the spe-
19 cial spiritual needs of the prisoner were not taken into
20 account and this was one of the points upon which this
21 Delegation had to insist most in order to persuade the
22 camp authorities that such needs were real and supreme.
23 Certain results were obtained but circumstances often
24 prevented much from being done. As far as Catholic
25 priests were concerned, for example, they were not

1 permitted access to the camps except in the case of
2 those who were Japanese alone and they were very few,
3 overloaded with work and few among them knew English
4 sufficiently well. Nevertheless they did their best
5 to answer the calls of the camp commanders, but in
6 accordance with the Japanese mentality they were
7 called more often to preside at funerals than to
8 assist the dying."

9 I next offer for identification the book
10 entitled "The Chrysanthemum and the Sword" by Ruth
11 Benedict, and offer in evidence defense document 2108,
12 being an excerpt therefrom. This book is the result
13 of a study made by the author at the request of the
14 Office of War Information of the United States
15 government.

16 THE PRESIDENT: Colonel Mornane.

17 COLONEL MORNANE: With regard to the last
18 comment of my friend, I do not know whether he is
19 attempting to prove that or whether that is purely
20 his own. The prosecution objects to the introduction
21 of this document in evidence. It consists of a book or
22 extracts from a book written in America with assist-
23 ance, among others, of certain Japanese residing there.
24 It attempts to explain the Japanese conduct throughout
25 the war on the basis of their beliefs and psychology.

1 If this could be relevant on any basis it would be
2 that the explanation is by some expert. There is no
3 evidence as to what the qualifications of the author
4 are. There is also no evidence that she affirms the
5 truth of the contents of the book. The prosecution
6 contends that the matter is entirely irrelevant.

7 MR. FREEMAN: If the Tribunal please, on
8 page 1, the first two lines of the second paragraph,
9 "My thanks are also due to the Office of War Informa-
10 tion, which gave me the assignment on which I report
11 in this book," I respectfully submit that the Office
12 of War Information, United States Government, would
13 not have selected someone to make this study were they
14 not qualified to make it.

15 THE PRESIDENT: This is not an official
16 publication though, is it?

17 MR. FREEMAN: No, sir.

18 THE PRESIDENT: You see we will not accept
19 Archbishop Marella's opinions although he lived in
20 Japan.

21 MR. FREEMAN: This is the result of a study
22 at the direction of the Office of War Information and
23 it is being offered primarily to show, among other
24 things, the lack of medical facilities that the Japan-
25 ese army had during the war, which goes to the point

1 of medical treatment of the prisoners of war.

2 THE PRESIDENT: If it were an official
3 publication we probably would admit it. If the
4 United States government had authorized this woman
5 to make an investigation on the spot and ascertain
6 the facts about which she speaks in this publication
7 we might admit it, but it is just as objectionable
8 as Archbishop Marella's opinion. He was on the spot
9 and saw things for himself, made investigations for
10 himself.

11
12 MR. FREEMAN: I submit there are facts and
13 figures given in this document which is offered here
14 that are not opinion. It is true there are some opin-
15 ions.

16 THE PRESIDENT: By a majority the objection
17 is sustained and the document rejected.

18 MR. FREEMAN: If the Tribunal please, with
19 the Court's indulgence I have been asked to offer in
20 evidence as the last document in this subdivision
21 defense document 2244.

22 THE MONITOR: Mr. Freeman, we do not have this
23 document. Do you have an extra copy?

24 MR. FREEMAN: If the Tribunal please, I
25 withdraw it and submit it later.

THE PRESIDENT: We will recess for fifteen

1 minutes.

2 (Whereupon, at 1045, a recess
3 was taken until 1100, after which the
4 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please, I
5 again tender in evidence defense document 2244,
6 which has now been distributed. This document is
7 a record of the court-martial of three POWs. I
8 desire to read no part of it.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2244
11 will receive exhibit No. 3142.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3142 and received in evidence.)

15 MR. FREEMAN: If the Tribunal please, this
16 concludes the subdivision relative to POWs and civilian
17 internees.

18 Mr. Cunningham will now offer certain docu-
19 ments that he has.

20 THE PRESIDENT: Mr. Cunningham.

21 MR. CUNNINGHAM: At the end of the presentation
22 of evidence in the Tripartite Pact material reserva-
23 tion was made for a few witnesses and documents which
24 were not ready for processing at that time. At this
25 time I would like to present the witness SAITO, whose

1 affidavit has been revised and some material deleted,
2 and I presume now the affidavit can be presented
3 without further correction.

4
5 Y O S H I E S A I T O, recalled as a witness on
6 behalf of the defense, having been previously
7 sworn, testified through Japanese interpreters
8 as follows:

9 THE PRESIDENT: You are still on your former
10 oath.

11 DIRECT EXAMINATION

12 BY MR. CUNNINGHAM:

13 Q I ask that the witness be handed defense
14 document 1592.

15 I ask you to state if that is your affidavit,
16 and if you have signed it and is it true?

17 A It is my affidavit.

18 MR. CUNNINGHAM: I offer in evidence defense
19 document 1592 and propose to delete certain portions
20 of it, which I will not read.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1592
23 will receive exhibit No. 3143.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3143 and received in evidence.)

1 MR. CUNNINGHAM: We have conferred on the
2 deletions and agreed on them.

3 Skipping the formal parts, I read defense
4 document 1592, exhibit 3143:

5 "Having first duly sworn an oath as on
6 attached sheet and in accordance with the procedure
7 followed in my country I hereby depose as follows:

8 "I, Yoshie SAITO . . . was born in 1880, and
9 live in Shoto," and so on. "I entered the Foreign
10 Office, was stationed as diplomatic and consular
11 attache in Peking and Tientsin, China, became Secretary
12 of Embassy in Washington under Ambassador SHIDEHARA,
13 became Director of the Bureau of Commercial Affairs
14 of the Foreign Office; after resigning in 1926, I
15 became a Director of the South Manchurian Railway
16 Co., Ltd., in July 1940, upon formation of the KONOYE
17 Cabinet, at the request of Foreign Minister MATSUOKA
18 I became adviser to the Foreign Office and held that
19 position until I resigned in July 1941.

20 "1. I was on intimate terms with Mr. MATSU-
21 OKA for 30 years; at the time of the conclusion of
22 the Tripartite Pact among Japan, Germany and Italy,
23 as advisor to the Foreign Office I stayed day and
24 night at the private residence of Foreign Minister
25

1 MATSUOKA where the negotiations were taking place,
2 and throughout the entire period I was responsible
3 for the technical side of the negotiations concern-
4 ing this pact. Due to this, I am comparatively
5 accurately informed regarding the ideals and motives
6 on the Japanese side which led to the conclusion of
7 the pact, and the circumstances concerning the con-
8 clusion of the pact."

9 Skipping paragraph 2 down to where it says:

10 ". . . When Mr. MATSUOKA was President of
11 the South Manchurian Railway Co., and when I was
12 advisor to the SMR, I once called on him at his villa
13 at Gotemba concerning company business, he spoke as
14 follows after finishing the company business:

15 "The world is too large. Races, national
16 sentiments and policies are different, and the past
17 ideas of establishing world peace through a central-
18 ized and unique organ is a mistake when dealing with
19 such a world. For this, I can think of no better
20 method than that friendly neighboring countries with
21 mutual interests should form a union, then a larger
22 union should be formed among these unions, and among
23 these larger unions peaceful relations should be
24 established, and finally this should be spread through
25 the world. Should I become Foreign Minister, I intend

1 to realize this idea. However, this will not be
2 easy, and sufficient study must be made of the prob-
3 lems. I would like you to think about it.'

4 "When I met him again at Gotemba, in the
5 spring of 1937, as I recall Mr. MATSUOKA said:

6 "'Well, have you studied my idea? A union
7 including Japan, Manchuria, and China and their
8 neighboring countries must be formed. However,
9 unfortunately, this cannot be hoped for considering
10 the present situation of long-standing disputes be-
11 tween Japan and China. So, I, as President of the
12 SMR and as a man with many Chinese friends, am in a
13 good position to take steps to further Sino-Japanese
14 peace as a private individual, and I should like to
15 go to China some day soon and see what can be done.
16 Therefore, I wish to request you to go to China, and
17 make thorough observations on the situation.'

18 "I had been studying Chinese affairs for
19 many years, and since I considered this my life-work,
20 I went to China in accordance with Mr. MATSUOKA's
21 suggestion."

22 Now going to page 3-a, paragraph 3:

23 "3. After Mr. MATSUOKA resigned his post
24 as President of the SMR, in March 1939, for a time he
25 lived a leisurely life, and during this period he spoke

1 to me from time to time of his opinion concerning
2 inter-states unions as a method of establishing world
3 peace. In July 1940 when he became Foreign Minister
4 he made me an adviser to the Foreign Office." Skip-
5 ping the next sentence and beginning with: "Mr. MAT-
6 SUOKA decided to conclude the Tripartite Pact in
7 August 1940, when he received a telegram from
8 Ambassador KURUSU saying that Mr. Stahmer had left
9 Germany for Japan."

10 Now going down to page 6, I believe:

11 "This English text was written and proposed
12 personally by Mr. MATSUOKA, and German side did only
13 accept it."

14 Now going down to page 10, at the top of
15 the page:

16 At the top of the page insert "MATSUOKA"
17 after "and."

18 "... and MATSUOKA one day said to me:

19 "'If Japan and America should ever go to
20 war, it would be most unfortunate for Japan, and it
21 would inevitably have the most disastrous results for
22 Japan. Not only that, but the culture of the human
23 race would be completely destroyed, and the world
24 would become darkened. To prevent this is something
25 that I, as Foreign Minister, cannot forget even in my

1 dreams.'

2 "MR. MATSUOKA day and night studied measures
3 concerning this problem. In fact, Mr. MATSUOKA often
4 told me:

5 "'If it were possible to dissolve America's
6 high-pressure policy, the problems of Japan, America
7 and Britain, and the Sino-Japanese problem would be
8 naturally easy to solve. Moreover, if this were
9 realized, it might even be possible for Japan to take
10 a step forward, and could alone, or together with
11 the Soviet Union, act as arbitrator in the Anglo-
12 German war. However, since American policy is so
13 high-handed, Japan cannot oppose America single-
14 handed with her own power, so Japan must shake hands
15 with some other strong powers.'"

16 Now going to page 13, I believe it is, be-
17 ginning with the words, "Mr. Stahmer," on the top of
18 the page, 3rd line:

19 "Mr. Stahmer told Mr. MATSUOKA at the con-
20 clusion of the Tripartite Pact that Germany was pre-
21 pared to act as intermediary."

22 Now going down to the middle of the page
23 where it says:

24 "Mr. MATSUOKA told both Mr. Ott and Mr. Stah-
25 mer at the beginning of the negotiations that Japan

1 considered that the most important mission of the
2 Tripartite Pact was to establish peace throughout
3 East Asia, therefore, Japan should not be forced into
4 the Anglo-German war because of the pact, and a German
5 guarantee on this point was desirable.

6 "He demanded that the following two points
7 be promised:

8 "(1) Germany would not interfere in the
9 political questions of East Asia, and Japan would not
10 interfere in the political questions of Europe:

11 "(2) The European war should be carried on
12 by Germany and Italy alone and Japan's aid should not
13 be sought, on the other hand, the military operations
14 against China would be carried out by Japan alone and
15 Germany's aid would not be sought.
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1 "The German side immediately agreed to this.
2 Concerning the policy of improving the relations with
3 the United States and of preventing America from
4 entering the war, agreement was reached almost in the
5 same procedure. In the summer of 1941, the Soviet-German
6 war broke out, and shortly thereafter Mr. Ott brought
7 Ribbentrop's personal message to Mr. MATSUOKA, which I
8 also saw and read at that time. This was a fairly short
9 note; one sheet typed in German, but its contents were
10 very important. Its point was that Japan should speedily
11 attack the Soviet Union from the rear. Its wording
12 was impolite, and to the point, moreover its contents
13 were in violation of the promises given at the time
14 of the conclusion of the Tripartite Pact. When
15 Mr. MATSUOKA saw it, he was very angry, and utterly
16 declined to give any consideration to the proposal as
17 it was in contravention to the mutual understandings
18 exchanged at the time of the Tripartite Pact. Another
19 thing, after Mr. MATSUOKA had returned from his trip
20 to Germany and the Soviet Union, I asked Mr. MATSUOKA
21 about the information I had received that he had been
22 advised by Hitler and Ribbentrop to attack Singapore.
23 To this Mr. MATSUOKA replied:

24 "There was such talk. I was Foreign Minister,
25 and not one of the service ministers. So no matter

1 how earnestly this was recommended to me, I was not
2 in a position to assent to the proposal. Moreover,
3 concerning the use of armed force by Japan to further
4 the development of the European war, reservations were
5 made at the time of the conclusion of the Tripartite
6 Pact. Whether Japan should attack Singapore or not
7 was a matter concerning which Germany had no right to
8 say anything. I am absolutely opposed to conquest.
9 As you know, my motto is non-conquest, non-aggression,
10 non-exploitation. I did modify my words. For example,
11 I said that if Japan were to be presented with a chance
12 that came only once in a thousand years, Japan would
13 fight. I also said that if Japan were to fight, the
14 sooner the better. This was only because I wished to
15 prevent further conversation on the same line. How-
16 ever, I did not make any promise with reference to an
17 attack on Singapore, nor did I say anything to commit
18 myself, so you needn't worry.'

19
20 "9. At the time of the conclusion of the
21 pact Mr. MATSUOKA said to me:

22 "'The Tripartite Pact may temporarily worsen
23 Japanese-American relations, and may lead to a very
24 dark phenomenon. In half a year, however its darkness
25 will fade, and world peace will be more firmly estab-
lished. I must pour all my wits and abilities into

1 it for this object. I do not even dream of fighting
2 with America, and I must not do so.'

3 "Again Mr. MATSUOKA had often declared in
4 the Diet that the Tripartite Pact was a means to the
5 establishment of world peace."

6 Then, going down to No. 10 at the bottom of
7 the page:

8 "10. Since Mr. MATSUOKA was well aware that
9 the conclusion of the Tripartite Pact might greatly
10 irritate American nerves, he paid much attention to
11 this point. He repeatedly persuaded Admiral NOMURA,
12 who was reluctant, to finally accept the post of Am-
13 bassador to America, and this was because he considered
14 as I heard from him that the post must be given to a
15 man who would be welcomed in America, and that Admiral
16 NOMURA was the best person. To this Admiral NOMURA he
17 begged that all efforts be made to improve Japanese-
18 American relations. Again, for the same purpose he
19 tried to dispatch Count KABAYAMA, who had many friends
20 in America, to America. He tried to dispatch
21 Mr. Toyohiko KAGAWA, an American-type missionary who
22 was considered to have the best comprehension of Ameri-
23 ca, to the United States. He was very polite in his
24 conversations with Ambassador Grew. One day (the
25 date I have forgotten) after Ambassador Grew had

1 returned, I asked Mr. MATSUOKA how the conversations
2 went on. Mr. MATSUOKA answered:

3 "Recently conversation have become somewhat
4 difficult. Although the policy of giving absolute
5 importance to Japanese-American friendship has not
6 changed, at a time like this when the situation is
7 critical, unless a strong attitude is shown, it can
8 have no effect. At the same time, if the other party
9 is angered, it will be disastrous, and to maintain a
10 proper balance is difficult. So I was very careful in
11 choosing my words."

12 "At the end of 1940 Mr. Steinhardt, the American
13 Ambassador to Russia, passed through Japan on his way
14 to his post, and saw Mr. MATSUOKA. At this meeting,
15 Mr. MATSUOKA spoke at great length of Japan's diffi-
16 cult position, and the necessity of Japanese-American
17 friendship. Later in 1941, when Mr. MATSUOKA went to
18 Europe to visit Russia, Germany and Italy, he repeated
19 similar sentiments to Mr. Steinhardt in Moscow and
20 consulted him on the means to attain Japanese-American
21 friendship. This I learned from Mr. MATSUOKA. Before
22 his journey to Europe, he told me:

23 "My journey to Europe is, on the surface,
24 in order to visit the Soviet Union, Germany and Italy,
25 but hardly anyone knows that my hidden mission is to

1 adjust relations with Soviet and America.' At this
2 time, he had already prepared and kept hidden a draft
3 of the Japanese-Soviet Neutrality Treaty, and was
4 prepared for negotiations with America. On his departure he said:

5 "I intend to cut as short as possible my
6 sojourn in Europe and then go to America. I intend
7 to indicate Japan's actual situation and a concrete
8 draft of the basis of a Japanese-American understanding,
9 and by negotiating directly with the Secretary of State
10 to endeavour to improve Japanese-American relations.'

11
12 "On another occasion he said:

13 "It is regrettable that American sentiment
14 towards Japan has grown greatly tense owing to the Tri-
15 partite Pact. However, this I anticipated at the time
16 of the conclusion of the pact. But this situation must
17 not be neglected. I must go to America at any cost,
18 and after directly bearing from the authorities America's
19 real intentions, I must take appropriate measures.'

20 "So I spoke of my opinion and said:

21 "Since I believe that the tension of American
22 sentiment toward Japan is due to the Tripartite Pact
23 and the Chinese question, if a Japanese-American
24 understanding is to be made possible, something must
25 be done about the Tripartite Pact. The entire

1 withdrawal of troops from China must also be considered.
2 If these two things are possible, I think the other
3 questions are secondary.'

4 "To this Mr. MATSUOKA replied:

5 "'I agree entirely. As you well know, the
6 Tripartite Pact is not for the purpose of waging war.
7 If such a situation should be created that Japan might
8 be forced into war, the way of thinking concerning the
9 Tripartite Pact must be fundamentally changed. If a
10 pact aimed at preserving Japan should become a pact
11 leading to the destruction of Japan, drastic measures
12 will have to be taken against the pact. Concerning
13 the whole-scale withdrawal from China, if one were to
14 advocate that at the present moment, it would not
15 pass in Japan. In any case, I must first of all
16 directly negotiate with the American authorities.'

17 "Then I asked:

18 "'Have you confidence in your ability to
19 influence America if you were to go there?'

20 "Mr. MATSUOKA answered:

21 "'I believe so. Americans do not indulge in
22 intrigues nor in plots. They are fair and do not
23 hamper themselves with what has passed or with barren
24 logic. The reason why American diplomacy has always
25 been so clear, is because of this. If I were to go

1 and adequately explain Japan's true intentions, and
2 demonstrate Japan's sincerity, although it may be
3 difficult to alter American opinion at one stroke, I
4 do not think it impossible. For this, Japan must
5 necessarily make great concessions, and I have prepared
6 my own draft.'

7 "At that time in America, Mr. MATSUOKA was
8 looked on in an extremely unfavorable light, and in
9 my opinion I thought it might be better if someone
10 else were to go, but Mr. MATSUOKA was confident that
11 if he were to go himself there was hope that Japanese-
12 American negotiations would be successful. Mr. MATSUOKA
13 was cared for by an American missionary and spent his
14 early years in America so he was well acquainted with
15 American circumstances and American sentiments. In
16 fact, when he returned from his European journey in
17 May 1941, he said he would go in spite of the fact
18 that his lungs were already in a bad condition and
19 repeatedly took counsel with Premier KONOYE. Premier
20 KONOYE was opposed to it, and Mr. MATSUOKA's trip to
21 America was not realized. Soon, the third KONOYE
22 Cabinet commonly said to be a reshuffle to eliminate
23 MATSUOKA came into existence; attitude of the Japanese
24 Government at the time of the third KONOYE Cabinet
25 towards the Tripartite Pact became cool. It was

1 rumored that Foreign Minister TOYODA said that Japan
2 did not exist for the Tripartite Pact, but that the
3 Tripartite Pact existed for Japan. When Mr. MATSUOKA
4 heard of this he said that it was possible that things
5 would go so far as the abrogation of the pact.

6 "Further he said:

7 "'There are many instances of abrogations of
8 newly-concluded treaties of abrogations during the
9 effective period of treaties. I should like to know
10 on what grounds in international law this can be
11 justified.' When I visited Mr. MATSUOKA, who was con-
12 fined to bed, as soon as I learned of the outbreak of
13 war between America and Japan on 8 December 1941, he
14 said: 'So it finally ended in war.'

15 "Then for a short time he maintained a sorrow-
16 ful silence, and continued:

17 "'If I had remained, I should have made all
18 efforts to avoid war.' In September 1940 when Mr.
19 MATSUOKA resolved to conclude the Tripartite Pact he
20 said to me:

21 "'I am neither pro-Anglo-American nor pro-
22 Italo-German. I am pro-Japanese, and believe in world
23 peace. The Tripartite Pact, the policy of Soviet-
24 Japanese rapprochement and the Japanese-American
25 problem, all these were because I wished to bring about

1 world peace, and because I thought about Japan. If
2 Japan combines with Germany and Italy at this time,
3 the public may say that I am pro-German. In foreign
4 countries they may say that I support aggression. No
5 matter what they may say, I do not care. However, I
6 am absolutely against conquest. Not only am I opposed
7 to Japanese conquest, but I am also opposed to conquest
8 by other countries. If the Tripartite Pact should be
9 used as a tool of aggression, such a pact must not be
10 allowed to exist.'

11 "11. The Tripartite Pact was entirely
12 separate from the negotiations among the three powers
13 which took place before Mr. MATSUOKA's time, and was
14 not a continuation of the former negotiations, which
15 took place from the summer of 1938 to about August
16 1939 between Japan, Germany and Italy. As was informed
17 to the American Government through the Japanese Amba-
18 sador in Washington at the end of August 1939, the
19 former negotiations were absolutely dropped and have
20 no connections with the Tripartite Pact of 1940.
21 Mr. MATSUOKA was a man with considerable self-confidence,
22 Mr. MATSUOKA was a senior member of the Foreign Minis-
23 try and the four or five foreign ministers preceding
24 him were his juniors or were absolute amateurs. So
25 Mr. MATSUOKA did not think much of the men who preceded

1 him. Mr. MATSUOKA often told me as well as other
2 people, that the Japanese diplomacy to date was utterly
3 incompetent, and that fundamental reforms would have
4 to be carried out. So when he became Foreign Minister,
5 he immediately dismissed a large number of higher dip-
6 lomats including ambassadors and ministers. Although
7 this move was severely criticized by the public (some
8 foreign papers called this mass dismissal a cleanout
9 of the pro-Anglo-American school, but that was abso-
10 lutely not so; many people of pro-German tendencies
11 were also dismissed), this measure was taken as an
12 unavoidable step to reform diplomacy. Since that was
13 his character, he disliked being bothered with events
14 in the past concerning important diplomatic questions.
15 So he never looked at the Foreign Office records con-
16 cerning the former negotiations between the three powers,
17 nor did he order his subordinates to study them. At
18 times, some persons spoke of the past negotiations,
19 but he did not listen to them, and said that it belonged
20 to the past and had no bearing on his diplomacy. In
21 this manner, when Mr. Stahmer arrived in Tokyo in the
22 autumn of 1940, at a meeting of the three persons
23 Mr. Stahmer, Mr. Ott and Mr. MATSUOKA, Mr. MATSUOKA
24 presented them with his own draft and the pact was
25 concluded.

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1 "One of the reasons why Mr. MATSUOKA con-
2 ducted diplomacy on his own in the second KONOYE
3 Cabinet is due to the following circumstances: In
4 1940, when Prince KONOYE was entrusted with the form-
5 ing of the cabinet, immediately preceeding the for-
6 mation, a meeting known as the Big Four Conference
7 was held for two or three days, with KONOYE, TOJO,
8 Navy Minister YOSHIDA and MATSUOKA taking part at
9 Prince KONOYE's private residence. At this confer-
10 ence Mr. MATSUOKA stressed that if he were to become
11 Foreign Minister all diplomatic questions would be
12 left to him. If other Ministers were to interfere
13 he would not be able to accept the post. The other
14 three leaders agreed to this. This fact was told to
15 me by Mr. MATSUOKA, and ever since, diplomacy was
16 carried on solely by Mr. MATSUOKA. These circumstances
17 continued at least until about the time of the con-
18 clusion of the Tripartite Pact. One day at that time
19 I saw Prince KONOYE in the Japanese room at the
20 Premier's official residence on official business at
21 the order of Mr. MATSUOKA, and I remember that Prince
22 KONOYE complained about Mr. MATSUOKA's arbitrary
23 actions.
24

25 "/s/ SAITO."

You may cross-examine the witness.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If it please the Tribunal,
3 the prosecution views this affidavit as being of a
4 very general character, and considerable evidence, in
5 fact, hundreds of pages of evidence, of the prosecution
6 relates to these matters. Due to the great volume of
7 prosecution evidence that does relate to it, we have
8 decided not to attempt to cite it specifically.

9 We do not desire to cross-examine.

10 MR. CUNNINGHAM: I might suggest in response
11 that I refer the Tribunal to pages 6345 and 6391 of
12 the transcript of the record, which evidence is in
13 support of the contentions claimed by this witness,
14 and I refer to exhibits 551 to 554, inclusive.

15 I ask that the witness be excused on the
16 usual terms.

17 THE PRESIDENT: He is excused accordingly.

18 (Whereupon, the witness was excused.)

19 - - -

20 MR. CUNNINGHAM: I offer in evidence defense
21 document 1936, the affidavit of MATSUMOTO Shunichi.

22 I understand there will be no cross-examination
23 of the witness and therefore he hasn't been called.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 1936

1 will receive exhibit No. 3144.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3144 and received in evidence.)

5 MR. CUNNINGHAM: I now offer in evidence
6 defense document 1936, exhibit 3144, and offer to
7 read the same into the record, skipping the formal
8 parts:

9 "I, MATSUMOTO, Shunichi, state under oath as
10 follows:

11 "1. I was born in 1897. My present address
12 is Yokigaya-machi, Ota-ku, Tokyo-to.

13 "I entered the Foreign Office in 1921 after
14 graduating from the Tokyo Imperial University, Faculty
15 of Jurisprudence. I was Director of the Treaty Depart-
16 ment of the Foreign Office from September 1940 until
17 November 1942.

18 "2. In September 1940 I was recalled from my
19 post as the Councillor of the Japanese Embassy in China
20 (Nanking) to Tokyo and appointed the Director of the
21 Treaty Department of the Foreign Office. I was told
22 by Foreign Minister MATSUOKA about matters concerning
23 the Japanese-German negotiations for the Tripartite
24 Pact and was ordered by him to participate therein.
25 At that time a draft of the Pact had already been

1 drawn up on the basis of conversations of the Foreign
2 Minister with Mr. Stahmer and Ambassador Ott. I
3 participated thereafter until the conclusion of the
4 Pact on 27 September 1940 in the technical redaction
5 of the details, etc. As far as I know, the negoti-
6 ations for the Tripartite Pact were conducted on the
7 Japanese side almost by Foreign Minister MATSUOKA alone,
8 and Mr. SAITO, Ryoei, the Advisor to the Foreign Mini-
9 ster, and I advised him on technical matters.

10 "2. Defense document No. 1656 --" which we
11 offer for identification.

12 CLERK OF THE COURT: Defense document 1656,
13 being a book entitled, "Outline of Treaties and Pro-
14 ceedings between Japan, Italy, and Germany," will
15 receive exhibit No. 3145 for identification only.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 3145 for identification.)

19 MR. CUNNINGHAM (Reading continued): " -- which
20 is entitled 'Outline of the Process of Drawing up of
21 Various Drafts and of the Internal Procedure Pertain-
22 ing to the Tripartite Pact of Japan-Germany-Italy,'
23 was compiled by me immediately after the conclusion of
24 the pact with the purpose of preventing the scattering
25 and loss of pertinent documents and of preserving them

1 as official records. A limited number thereof was
2 printed in October 1940 as an official record of the
3 Foreign Office.

4 "The description at the top of '1) Outline
5 of the Process of Drawing up of Various Drafts of the
6 Tripartite Pact of Japan-Germany-Italy and Pertaining
7 Documents' was written by myself with the purpose of
8 explaining the process of the drafting of various
9 documents and their relation to each others.

10 "On this 28th day of July, 1947.

11 "/s/ MATSUMOTO."

12 I now offer in evidence defense document
13 1656-A, which is a number of excerpts from defense
14 document 1656.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1656-A
17 will receive exhibit No. 3145-A.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 3145-A and received in evidence.)

21 MR. CUNNINGHAM: I propose to read the per-
22 tinent parts or the parts which have been changed. I
23 will note them as I go along.

24 First page, cover page:

25 "Outline of the Process of Drafting Various

1 Drafts and of the Internal Procedure Pertaining to
2 the Tripartite Pact of Japan, Germany and Italy.

3 "Treaty Department, Foreign Office."

4 Skipping to the top paragraph:

5 "1. On 5 September 1940 a plan an Annex No.
6 1 was drafted by Vice Foreign Minister OHASHI, the
7 Advisors SHIRATORI and SAITO, and presented by Foreign
8 Minister MATSUOKA to the Four-Minister Conference for
9 consideration.

10 "2. Prior to that, Minister Stahmer, who
11 was specially dispatched by German Foreign Minister
12 Ribbentrop, left Berlin on 23 August, and via Moscow
13 arrived in Tokyo on 7 September. On 9 September he,
14 together with Ambassador Ott, visited Minister
15 MATSUOKA at the latter's private residence for a con-
16 ference, which renewed on the following day, the 10th.
17 The record taken at that time is attached hereto as
18 Annex No. 2.

19 "3. This result was reported by the German
20 side to Foreign Minister Ribbentrop, who sent a
21 counter-proposal (Annex No. 3) by telegram. This was
22 handed at 8:30 p.m. on 14 September by Ambassador Ott
23 and Minister Stahmer to Minister MATSUOKA. This draft
24 differed from the original one insofar as it inserted
25 in Paragraph III a phrase 'openly or in a concealed

1 form.' (We requested this phrase be stricken out,)
2 and added the Paragraph V (concerning Soviet Russia.)
3 (This draft was made the basic subject of discussion
4 on the Extraordinary Cabinet Meeting of 16 September
5 and on the Imperial Conference of 19 September.)

6 "4. On the basis of this draft of Foreign
7 Minist. Ribbentrop we drafted a pact; besides, we
8 summarized the result of the conversations with Ott
9 and Stahmer into a Secret Protocol and two notes to
10 be exchanged (one concerns the question of German and
11 Italian collaboration in case of a Japanese-British
12 conflict, and the other concerns the South Sea Islands
13 under the Mandate.) These were handed on 19 September
14 by Advisor SAITO to the German Ambassador (Annex No. 4)

15 "5. These drafts were revised on the 20th
16 into Annex No. 5 after taking German wishes into con-
17 sideration. (Paragraph VI of the draft of the Proto-
18 col was inserted upon German request, and the end of
19 the note concerning the Japanese-British conflict was
20 revised.)

21 "6. On 21 September the German side presented
22 a draft of a pact as Annex No. 6 in accordance with
23 the instruction from the home Government (Foreign
24 Minister Ribbentrop left Berlin on 18 and conferred
25 with Prime Minister Mussolini and Foreign Minister

1 Ciano on 19th and 20th concerning this matter. It is
2 assumed therefore that this instruction came from Rome.)
3 As the explanation for revising the Paragraph III, an
4 excerpt from the instruction as Annex No. 7 was attach-
5 ed. This draft was revised into Annex No. 8 on the
6 conference of Minister MATSUOKA (MATSUMOTO attending,) Ott and Stahmer. ((1) The words of 'declaration of war'
7 was deleted because of, among others, strong opposition
8 of the Navy, and (2) provisions concerning the Mixed
9 Commission were broadened so as to enable the establish-
10 ment of an Economic Commission.) In addition, the
11 German side requested to drop the Protocol and other
12 notes because they were one-sided in the present form,
13 and it was difficult and time-consuming to perfect them
14 in order to get the Italian consent. Thereupon, we
15 proposed to convert the content of the Secret Protocol
16 into a note to be exchanged only between Japan and Ger-
17 many, to exchange the note concerning the Japanese-
18 British conflict also only between Japan and Germany,
19 and to formulate the note concerning the Mandate so as
20 to confirm an oral statement of the German Ambassador.
21 As a result thereof we made a draft as Annex No. 9 and
22 sent it to the German Embassy.
23
24 "7. During the conference begun at five
25 o'clock of that evening (Minister MATSUOKA, Chief of

1 Department NATSUMOTO, Ott and Stahmer) the Pact was
2 decided as Annex No. 10; as to the note concerning the
3 Japanese-British conflict it was decided upon German
4 request to make it a letter and number it as Annex No.
5 11; concerning the Mandate it was decided as Annex No.
6 12 (Minister MATSUOKA left the conference and was sub-
7 stituted by Advisor SAITO.) As to the draft of the
8 note containing the content of the Secret Protocol the
9 German side did not agree, and Ambassador Ott himself
10 dictated to the Chief of Department MATSUMOTO a draft
11 of a letter of Ott as Annex No. 13 and requested that
12 it be studied. On the same day Stahmer had told to
13 Advisor SHIRATORI that the German side wished to sign
14 this Pact in Berlin. Minister MATSUOKA therefore
15 touched the question of the place of signing during
16 this conference, and said that if the place of signing
17 should be Berlin, it would be an idea to make the ex-
18 change of letters between the Minister himself and
19 Ambassador Ott.

20 "8. In the afternoon of 23 September, the
21 Chief of Treaty Department MATSUMOTO handed upon in-
22 struction of the Foreign Minister a document as
23 Annex No. 14 to Ott and Stahmer at the German Embassy,
24 and requested that it be sent to Berlin by telegram.
25 On the following day, the 24th Councillor Boltze of

1 the German Embassy visited MATSUMOTO and said concern-
2 ing Annex No. 14 that the following telegraphic instruc-
3 tion was received: As to the item (1), the German
4 Government sincerely hopes to sign in Berlin; as to
5 the item (2), it was being considered by the German
6 and Italian Governments; as to the item (3), it could
7 not be accepted because it would take time to make
8 the letter perfect as its content was one-sided.

9 "9. At five o'clock in the evening of 24
10 September Minister MATSUOKA (MATSUMOTO attending) met
11 Ott and Stahmer. First, the Pact was decided as Annex
12 No. 15. Next, the letter concerning the Japanese-
13 British conflict was decided as Annex No. 16, and the
14 letter concerning the Mandate was decided as Annex No.
15 17, after substituting 'in a way' for 'adequately'
16 (the German side explained that the compensation was
17 a matter of principle and can in fact be only nominal,
18 and that, for instance, 6 sacks of coffee would be suf-
19 ficient.) As to the letter originating from the draft
20 of a Secret Protocol Minister MATSUOKA presented a
21 draft as Annex No. 18; the German side thereupon pre-
22 sented a revised draft of Annex No. 13; after combin-
23 ating the both proposals a document as Annex No. 19 was
24 drafted, which was sent to the German Embassy on the
25 following 25th and made final.

1 "10. At eleven o'clock a.m. of 25 September
2 Councillor Boltze of the German Embassy visited MATSUMOTO
3 to tell that the following telegram was received by
4 the Ambassador from the German Foreign Office:

5 "(1) The German Government accepts the text
6 of the Pact (in English).

7 "(2) The German Government is convinced that
8 the Italian Government also will accept the text. The
9 German Foreign Office requested that the Italian Foreign
10 Office instruct the Italian Ambassador in Tokyo to state
11 formally to Minister MATSUOKA the acceptance of the Pact.

12 "(3) (a) The German Government agrees to sign
13 the English text as a temporary measure.

14 "(b) That fact shall be kept absolutely secret.

15 "(c) About two weeks afterwards Japanese,
16 German and the Italian texts will be secretly substituted
17 for the English text and signed.

18 "(d) The Letter of Credence for Ambassador
19 KURUSU will be deposited with the German Embassy in
20 Tokyo, and that fact will be telegraphed from the
21 Ambassador to the German Foreign Office (concerning this
22 point the Chief of Treaty Department said that, because
23 in case of a treaty as this without ratification clause
24 no formal Letter of Credence would be issued, the Foreign
25 Minister would inform the German Ambassador in Tokyo

1 that the Imperial Sanction was given for Ambassador
2 KURUSU to conclude the Pact. Councillor Boltze answered
3 that that would be sufficient).

4 "(5) If possible, to sign the Pact on Thursday
5 (MATSUMOTO said that that was practically impossible).
6 Besides, the Ambassador desires that the draft of the
7 Premier Minister's statement be cabled to Ambassador
8 KURUSU and presented to the German Foreign Minister for
9 consultation, and that the three letters be absolutely
10 not referred to when Minister MATSUOKA should see the
11 Italian Ambassador (it was agreed in addition that of the
12 three letters those from the Minister to the Ambassador
13 should be in Japanese with English translation, and
14 those from the Ambassador to the Minister should be in
15 German with English translation).

16 "11. The Italian Ambassador in Tokyo, Indelli,
17 visited Minister MATSUOKA at 11:30 a.m. of 25 September
18 and stated formally that the Italian Government agreed
19 to this Pact.

20 "12. In the afternoon of that day MATSUMOTO
21 visited Minister Stahmer at the German Embassy and stated
22 that the signing would be possible on 27th as it was
23 decided to present the draft of the Pact to the Privy
24 Council on 26th."

25 I want to refer at that point to the prosecution'

exhibit No. 553, which is the action of the Privy Council on that.

(Reading continued):

"After consultation it was agreed temporarily to sign the English text at noon of 27th (Berlin time), and to telegraph this agreement to Berlin.

"13. According to a telephone call from the German Embassy the signing took place at 1:15 p.m., instead of at noon, Berlin time (at 7:00 p.m. Tokyo time), as it had been agreed, because of a delay of the aeroplane of the Italian Foreign Minister.

"14. After the signing at 9:30 o'clock of that evening MATSUMOTO carried out the exchange of the three letters with Ambassador Ott (Stahmer attending) at the German Embassy (Annex No. 20)."

1 Now, Annex No. 1 will not be read. It is
2 already in evidence as prosecution's exhibit No. 541,
3 transcript pages 6037, 6321.

4 Annex No. 2 will be read:

5 "On the tenth of September 1940 the Foreign
6 Minister conferred at his private residence with
7 Minister Stahmer and the German Ambassador in Japan,
8 and after exchanging questions and answers in continuance
9 of the previous day, read the private and tentative plan
10 of the Foreign Minister as of Appendix A, explaining
11 that it was a summary of statement by the German side
12 on the first conference of the 9th of September, and
13 that it would be binding for nobody other than the
14 Foreign Minister as an individual. He handed then at
15 the same time a copy of the above and requested that
16 it be studied. The two visited again the Foreign
17 Minister at his private residence on the 11th of
18 September (10:15-10:45 hours), presented a counter-
19 proposal as of Appendix B, and explained the content
20 saying that only Paragraph III was different from the
21 private plan of the Foreign Minister. They added further
22 that the counter-proposal was a private plan of them
23 only and was not binding for the German Government."

24 Annex No. 2:

25 "TENTATIVE FORMULA

1 "I. Japan to recognize and respect the
2 leadership of Germany and Italy in the establishment
3 of a new order in Europe.

4 "II. Germany and Italy to recognize and re-
5 spect the leadership of Japan in the establishment of
6 a new order in Greater East Asia.

7 "III. Japan, Germany and Italy to agree mutually
8 to cooperate in their efforts on aforesaid lines and to
9 consult with one another as to the suitable and effective
10 means to remove and overcome any and all obstacles and
11 hindrances to the achievement of their respective aims.

12 "IV. Japan, Germany and Italy to agree to pull
13 together and coordinate their endeavours with a view
14 to establishing a new world order to meet the changed
15 and changing world conditions, which alone can be a
16 just and durable foundation for peace."

17 Annex No. 2, Appendix B:

18 "TENTATIVE FORMULA.

19 "I. Japan to recognize and respect the leader-
20 ship of Germany and Italy in the establishment of a
21 new order in Europe.

22 "II. Germany and Italy to recognize and respect
23 the leadership of Japan in the establishment of a new
24 order in Greater East Asia.

25 "III. Japan, Germany and Italy to agree mutually

1 to cooperate and to consult in their efforts on afore-
2 said lines and to assist one another with all political,
3 economical and military means when one of the three powers
4 concerned will be attacked by a power not included in
5 the present European war or the Japanese-Chinese conflict.

6 "IV. Japan, Germany and Italy to agree to pull
7 together and coordinate their endeavours with a view
8 to establishing a new world order to meet the changed
9 and changing world conditions which alone can be a just
10 and durable foundation for peace."

11 Now, we skip Annex 2, No. 2, which is in evidence
12 in prosecution's exhibit No. 549, transcript pages 6323,
13 6327.

14 Now, Annex No. 3. I believe your Honors' is
15 marked the same as mine, so unless there is some dis-
16 crepancy discovered, I will --

17 (Reading continued):

18 "FORMULA OF THE GERMAN FOREIGN MINISTER

19 "I. Japan recognises and respects the leader-
20 ship of Germany and Italy in the establishment of a
21 new order in Europe.

22 "II. Germany and Italy recognize and respect
23 the leadership of Japan in the establishment of a new
24 order in Greater East Asia.

25 "III. Japan, Germany and Italy agree to cooperate

1 in their efforts on the aforesaid lines. They further
2 undertake to assist one another with all political,
3 economic and military means when one of the three powers
4 concerned will either openly or in concealed form be
5 attacked by a power at present not included in the
6 European war or in the Japanese-Chinese conflict.

7 "IV. Japan, Germany and Italy agree to
8 cooperate and to coordinate their endeavours with a
9 view to establishing a new world order to meet the
10 changed and changing world conditions, which is alone
11 a just and endurable foundation of peace.

12 "V. Japan, Germany and Italy agree that the
13 aforesaid terms do not in any way affect the present
14 political status between the three aforementioned
15 powers and Soviet Russia.

16 "VI. Japan, Germany and Italy will, without
17 delay, conclude a treaty laying down the details of
18 the application of the aforementioned terms."

19 Annex 4:

20 "THREE POWERS PACT BETWEEN JAPAN, GERMANY AND
21 ITALY

22 "The Governments of Japan, Germany and Italy,
23 considering it as the condition precedent of any lasting
24 peace that all nations of the world be given each its
25 own proper place, have decided to stand by and cooperate

1 with one another in regard to their efforts in Greater
2 East Asia and the regions of Europe respectively wherein
3 it is their prime purpose to establish and maintain
4 a new order of things calculated to promote the mutual
5 prosperity and welfare of the peoples concerned. . . +
6 Futhermore, it is the desire of the three Governments
7 to extend cooperation to such nations in other spheres
8 of the world as may be inclined to put forth endeavours
9 along lines similar to their own, in order that their
10 ultimate aspirations for world peace may thus be realized.
11 Accordingly the Governments of Japan, Germany and Italy
12 have agreed as follows:

13 "I. Japan recognizes and respects the leader-
14 ship of Germany and Italy in the establishment of a
15 new order in Europe.

16 "II. Germany and Italy recognize and respect
17 the leadership of Japan in the establishment of a new
18 order in Greater East Asia.

19 "III. Japan, Germany and Italy agree to
20 cooperate in their efforts on the aforesaid lines. They
21 further undertake to assist one another with all . . . c
22 political, economic and military means when one of the
23 three contracting Powers concerned is attacked (either
24 openly or covertly) by a power at present not involved
25 in the European war or in the Japanese-Chinese conflict.

1 "IV. Japan, Germany and Italy affirm that
2 the aforesaid terms do not in any way affect the
3 political status which exists at present as between
4 each of the three contracting Powers and Soviet Russia.

5 "V. The present Pact shall come into effect
6 immediately upon signature and shall remain in force
7 for ten years from the date of its coming into force.

8 "At the proper time before the expiration of
9 the said term the High Contracting Parties shall, at
10 the request of any one of them, enter into negotiations
11 for its renewal.

12 "In faith whereof, the undersigned, duly
13 authorized by their respective Government, have signed
14 this Pact and have affixed hereto their seals.

15 "Done in triplicate," and so on.

16 THE PRESIDENT: We will adjourn until half-
17 past one.

18 (Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: Before the recess we dis-
continued on Annex 4. I begin reading Annex 4.

"PROTOCOL

"With reference to the Pact signed on this
day by the representatives of Japan, Germany and Italy
the Contracting Parties have arrived at the following
understanding.

"I. With a view to determine by consultation
with one another the detailed arrangements on the co-
operation and mutual assistance between Japan, Germany
and Italy as stipulated in Paragraph III. of the Pact,
Joint Military and Naval Commissions, preferably one at
Tokio and another at Berlin or Rome, together with a
Joint Economic Commission, shall forthwith be organized.
The composition of the aforesaid Commission shall be
etermined through consultation by the Governments of
Japan, Germany and Italy.

"The conclusions of the said Commissions shall

1 be submitted to the respective Governments for approval
2 in order to be put in force.

3 "II. Whether or not a Contracting Party or
4 Parties has or have been attacked openly or covert-
5 ly as stipulated in Paragraph III of the Pact shall be
6 determined by the respective Governments, and in case
7 the fact of such an attack has been established the
8 measure of mutual assistance of political, economic and
9 military nature to be adopted by the Contracting Par-
10 ties shall be studied and recommended by the aforesaid
11 Commissions, subject to approval of the respective
12 Government.
13

14 "III. As the cooperation and mutual assistance
15 stipulated in Paragraph III of the Pact have in view as
16 fundamental aims the efforts to establish forthwith a
17 new order in Greater East Asia and Europe, to eventu-
18 ate in a new world order, blessing Humanity with a just
19 and equitable peace, Germany and Italy shall, in time
20 of peace as well as war, take all possible measures to
21 restrain a Third Power or Powers on the Atlantic with
22 a view to better enabling Japan, Germany and Italy to
23 accomplish their common aim of establishing a new order
24 in Greater East Asia and in the Pacific Basin in General.
25

"In the event of Japan being attacked by a
~~Power or Powers not at present involved in either the~~

1 European War or the Sino-Japanese conflict referred to
2 in the last part of Paragraph III of the present Pact,
3 Germany and Italy also undertake to come to Japan's
4 assistance in the Pacific Ocean with all their means
5 and resources.

6 "IV. While Germany and Italy undertake to
7 use their good offices with a view of improving rela-
8 tions between Japan and the U.S.S.R., Japan, Germany
9 and Italy shall make utmost efforts to induce the
10 U.S.S.R. to act in accord with the main purposes of
11 the present Pact.

12 "V. The Contracting Parties undertake to ex-
13 change from time to time without delay all useful inven-
14 tions and devices of war and to supply one another with
15 war equipments, such as aeroplanes, tanks, guns, explo-
16 sives, etc, with each Party may reasonably spare, to-
17 gether with technical skill and men, should they be
18 required. Furthermore, they are prepared to do utmost
19 in furnishing one another with and in aiding one another
20 in the efforts to procure minerals including oil and
21 other materials as well as machinery for war industries
22 and various requisites for livelihood with machinery of
23 all sorts employed in the production of such requisites.

24 "VI. The present Protocol shall remain secret
25 and shall not be published."

1 "Strictly Confidential

2 "Excellency:

3 "I have the honour to state that, the Japanese
4 Government earnestly share the hope with the Governments
5 of Germany and Italy that the present European War will
6 remain limited as far as possible in its sphere and
7 scope and will come to a speedy conclusion and that
8 they shall on their part spare no effort in that direc-
9 tion.

10 "However, the conditions actually prevailing in
11 Greater East Asia and elsewhere do not permit the Japan-
12 ese Government to rest assured that there is no danger
13 whatever of an armed conflict taking place between Japan
14 and Great Britain, and accordingly they desire to call
15 attention of the German and Italian Governments to such
16 a possibility and to ask the German and Italian Govern-
17 ments whether in such eventuality the Japanese Govern-
18 ment may expect assistance and cooperation in every
19 possible form as provided for under Paragraph III of
20 the present Pact mutatis mutandis.

21
22 "I avail myself of this opportunity to renew
23 to Your Excellency the highest consideration."

24 THE PRESIDENT: Mr. Cunningham, I understand
25 you desire us to note the changes made in these docu-
ments in the course of the negotiations.

1 MR. CUNNINGHAM: Well, I plan to emphasize
2 it with inflection, and also, it will become apparent
3 to your Honors as we go through the variations. I
4 shall not repeat any that are similar and therefore
5 only read those in which there are changes notable,
6 unless you have a better suggestion.

7 THE PRESIDENT: No, I can suggest nothing
8 better than to intimate to the Court the changes that
9 were made. These documents are new to us.

10 MR. CUNNINGHAM: I will do my best.

11 (Continuing reading) "I have the honour to
12 state to Your Excellency that inasmuch as the German and
13 Italian Governments recognize and respect the leader-
14 ship of Japan in regard to the establishment of a new
15 order in Greater East Asia, it is considered highly
16 desirable by this Government that all the former German
17 Colonies in the Pacific area should be ceded to Japan,
18 without compensation in the case of the Group of Is-
19 lands mandated by Japan and with proper compensation
20 in the case of other mandated islands as well as
21 those actually in British possession.

22 "It is understood as matter of course that
23 Japan shall accord a specially favourable treatment to
24 the activities of Germany and her nationals in these
25 regions as compared to any other nation or their

1 nationals.

2 "I avail myself of this opportunity to renew
3 to Your Excellency the highest consideration."

4 The next is the first basic draft. I shall
5 read hereafter only the changes made to the draft.

6 Annex 5 is the same as Annex 4 except page 5,
7 Roman Numeral VI. I go to page 5, Roman Numeral VI:

8 (Reading) "In conformity with the spirit
9 which prompted the conclusion of the present Pact, the
10 Governments of the Contracting Parties undertake to
11 enter into negotiations without delay, with a view to
12 deciding upon measures of assuring to the other Con-
13 tracting Parties of their Nationals, in their commer-
14 cial and industrial activities in the regions where
15 the Contracting Parties are respectively recognized to
16 have leadership by virtue of Paragraph I and II of the
17 present Pact a position which is preponderant in compari-
18 son to that of any Third Power and its nationals."
19

20 I now go to the next page, page 6:

21 "However, the conditions actually prevailing
22 in Greater East Asia and elsewhere do not permit the
23 Japanese Government to rest assured that there is no
24 danger whatever of an armed conflict taking place be-
25 tween Japan and Great Britain, and accordingly they de-
sire to call attention of the German and Italian Govern-

1 ments to such a possibility and they feel confident
2 that Germany and Italy will do their utmost to aid Japan
3 in such eventuality with all means in their power."

4 This Annex 6 is the same as Annex 5 except
5 page 2, Roman Numerals III and IV. I will only read
6 page 2, Roman Numerals III and IV:

7 "III. Japan, Germany and Italy agree to co-
8 operate in their efforts on the aforesaid lines. If
9 a power not at present included in the European War or
10 the Chinese-Japanese conflict commits an act of aggres-
11 sion against one of the three contracting parties, Japan,
12 Germany and Italy undertake to declare war on such
13 power and to assist one another with all political,
14 economic and military means.

15 "IV. With a view to implementing the present
16 pact, conversations between the general staffs of the
17 Japanese, German and Italian forces will be opened by
18 the technical commissions which will meet without delay."

19 Then I go to Annex 7 and read the total of
20 that. It is very brief.

21 "In our opinion an explicit emphasis of the
22 obligation to declare war would have a specially strong
23 neutralizing effect on America. America would cer-
24 tainly hesitate ten times before entering the war if
25 the pact stated in clear and impressive terms that

1 America would then automatically be at war with three
2 great powers."

3 Annex 8 is the same as Annex 6 except Roman
4 numerals III and IV. I shall read only those.

5 "Japan, Germany and Italy agree to cooperate
6 in their efforts on the aforesaid lines. If a power
7 not at present included in the European War or the
8 Chinese-Japanese conflict commits an act of aggression
9 against one of the three Contracting Parties, Japan,
10 Germany and Italy undertake to assist one another with
11 all political, economic and military means.

12 "IV. With a view to implementing the present
13 Pact, Joint Technical Commissions the members of which
14 are to be appointed by the respective Governments of
15 Japan, Germany and Italy will meet without delay."

16 Now 9. I will read the whole except the last
17 part, the formal part:

18 "Strictly Confidential

19 "Excellency:

20 "I have the honour to state that the following
21 are some of the salient points of our several conversa-
22 tions that had taken place from the 9th to the 21st
23 September, 1940, relative to the conclusion of the Three
24 Powers Pact signed on this day:

25 "1. Joint Technical Commissions, stipulated

1 in Paragraph IV of the Pact, shall be organized at once
2 together with a Joint Economic Commission. The com-
3 position of the aforesaid Commissions shall be deter-
4 mined through Consultation by the Governments of Japan,
5 Germany and Italy.

6 "The conclusions of the said Commissions shall
7 be submitted to the respective Governments for approval
8 in order to be put in force.

9 "II. Whether or not a power not at present
10 involved in the European War or the Sino-Japanese
11 Conflict has committed an act of aggression against one
12 of the three Contracting Parties as stipulated in
13 Paragraph III of the Pact, shall be determined upon
14 consultation among the Japanese, German and Italian
15 Governments, and in case the fact of such an aggression
16 had been established the measures of mutual assistance
17 of political, economic and military nature to be adop-
18 ted by the Contracting Parties shall be studied and
19 recommended by the aforesaid Commissions, subject to
20 approval of the respective Governments.

21 "III. As the cooperation and mutual assis-
22 tance stipulated in Paragraph III of the Pact have in
23 view as fundamental aims the efforts to establish forth-
24 with a new order in Greater East Asia and Europe, to
25 eventuate in a new world order, blessing Humanity with

1 a just and equitable peace. Germany shall, in time of
2 peace as well as war, take all possible measures in
3 conjunction with Italy, to restrain a Third Power or
4 Powers on the Atlantic with a view to better enabling
5 Japan, Germany and Italy to accomplish their common
6 aim of establishing a new order in Greater East Asia
7 and in the Pacific Basin in general.

8 "In the event of Japan being attacked by a
9 Power or Powers not at present involved in either the
10 European War or the Sino-Japanese conflict referred to
11 in the last part of Paragraph III of the present Pact,
12 Germany also undertakes to come to Japan's assistance
13 in the Pacific Ocean with all their means and resources.
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1 "IV. While Germany undertakes to use their
2 good offices with a view to improving relations between
3 Japan and the U.S.S.R., Japan and Germany shall make
4 utmost efforts to induce the U.S.S.R. to act in accord
5 the main purpose of the present Pact.

6 "V. Japan and Germany undertake to exchange
7 from time to time without delay all useful inventions
8 devices of war and to supply mutually with war equip-
9 ments, such as aeroplanes, tanks, guns, explosives,
10 etc., which they may reasonably spare, together with
11 technical skill and men, should it be required. Fur-
12 thermore they are prepared mutually to do utmost in
13 furnishing with and in aiding in the efforts to pro-
14 cure minerals including oil and other materials as
15 well as machinery for war industries and various
16 requisites for livelihood with machinery of all sorts
17 employed in the production of such requisites.

18 "It is needless to say that the above under-
19 standings shall remain secret and shall not be published.

20 "It is desired that Your Excellency would con-
21 firm the understandings as above set forth."

22 "Strictly Confidential.

23 "Excellency:

24 "I have the honour to inform Your Excellency
25 that, the Japanese Government earnestly share the hope

1 with the Governments of Germany and Italy that the
2 present European War will remain limited as far as
3 possible in its sphere and scope and will come to a
4 speedy conclusion and that they shall on their part
5 spare no effort in that direction.

6 "However, the conditions actually prevailing
7 in Greater East Asia and elsewhere do not permit the
8 Japanese Government to rest assured that there is no
9 danger whatever of an armed conflict taking place be-
10 tween Japan and Great Britain, and accordingly they
11 desire to call attention of the German Government to
12 such a possibility and to state that they feel confid-
13 ent that Germany will do their utmost to aid Japan in
14 such eventuality with all means in their power."

15 "Excellency:

16 "I have the honour to ask your Excellency to
17 confirm the accuracy of the following oral declaration
18 which was made by Your Excellency on behalf of the
19 German Government:

20 "The German Government agree that the former
21 German Colonies actually under Japan's Mandate in the
22 South Seas will forever remain in Japan's possession
23 against an adequate compensation. In regard to other
24 former Colonies in the South Seas, the German Govern-
25 ment undertake to confer with the Japanese Government

1 upon and after the conclusion of the Three Powers Pact,
2 in an accommodating spirit, with the view to disposing
3 them as far as possible in Japan's favour."

4 Then Annex 10 is the same as the final Pact,
5 which is prosecution exhibit 43, transcript pages 6391
6 to 6393.

7 Annex 11 corresponds to prosecution's exhibit
8 555-C, transcript pages 6400, 6401.

9 That takes us down to Annex No. 12:

10 "I have the honour to ask Your Excellency to
11 confirm the following oral declaration which was made
12 by Your Excellency on behalf of the German Government:

13 "The German Government agree that the former
14 German Colonies actually under Japan's Mandate in the
15 South Seas will remain in Japan's possession, it being
16 understood that Germany be adequately compensated there-
17 for. In regard to other former Colonies in the South
18 Seas, they shall be restored automatically to Germany
19 upon conclusion of peace ending the present European
20 War. Afterwards the German Government would be pre-
21 pared to confer, in accommodating spirit, with the
22 Japanese Government with a view to disposing of them
23 as far as possible in Japan's favour against compensa-
24 tion.

25 "I avail myself of this opportunity" and so on.

"Excellency:

"I have the honour to acknowledge receipt of Your Excellency's letter of this date, No. 1111, and to confirm the oral declaration made by me concerning the former German Colonies in the South Seas which is contained in Your Excellency's letter under reply.

"I avail myself" and so on.

I go to Annex 13:

"Excellency:

"In the moment when our conversations concerning the Three Powers Pact are to be concluded successfully, it is Minister Stahmer's and my sincerest desire to express to Your Excellency our heartiest regard for your leading and generous cooperation in most accommodating spirit. We should like to state once more in this letter the conformity concerning the salient points which we always have found in our conversations with Your Excellency in regard of the aims and details of the Pact.

"The German Government are convinced that the Contracting Parties are going to enter in now and desire a period of World History in which they will be charged with leadership of the establishment and new order in Greater East Asia and in Europe. The recognition of our interest with are in conformity for the present

1 time and for long future and unlimited mutual confid-
2 ence of the Contracting Parties are forming the solid
3 bases of the three Powers Pact. The German Government
4 are convinced that the technical details of the Pact
5 will resolve without difficulties on fundamental con-
6 fidence and that it would be contrary to the far-reach-
7 ing importance of the Pact to fix formally some single
8 questions which would never thoroughly work out.

9 "If Japan contrary to the aim of the Pact
10 would be involved in a Conflict with a power until
11 now not belligerent, the German Government will be
12 obliged without any doubt to assist Japan to the ut-
13 most extent and will offer every possible military
14 and economic support. Concerning the relations between
15 Japan and Russia, Germany will help to obtain most
16 friendly understanding and offer her good services
17 for that purpose.

18 "I have the honour to present to Your Excell-
19 ency this principal statement in accordance with the
20 ideas of the German Foreign Minister representative,
21 Minister Stahmer and according to the repeated instruc-
22 tions of German Government transmitted to myself dur-
23 ing the conversation concerning the Three Powers Pact."

24 That, you will recall, is Ambassador Ott writ-
25 ing.

Annex 14:

"1. Does Ribbentrop insist on signing the Pact at Berlin? MATSUOKA has been negotiating the Pact all through with an assumption that the Pact would be signed at Tokio, which has been shared by all these who have taken part in deliberation concerning this question.

"2. Waiving all formalities in order to expedite the matter, would it not be better to have only one text common to three Contracting Parties; that is, English text, on which we have been negotiating? If we insist to have the Pact in three languages it would necessitate us to have German and Italian versions together with Japanese text for submission to Privy Council to be examined closely in each of the three languages. This would further postpone the conclusion and publication of the Pact, which I hate to see. Again, one language text would go far towards to lessen possible discrepancy in interpretation.

"Please also get as quickly as possible answer this point.

"3. Will you please ask Ribbentrop for the last time to agree to authorize the German Ambassador here to exchange note with Foreign Minister (MATSUOKA) on the contents of Draft Protocol as drawn up (of

1 course not in the form of the secret Protocol) and try
2 to get answer as early as possible?"

3 Annex 15. I shall not read the final Pact.
4 That is the same as prosecution's exhibit 43, trans-
5 cript pages 6391 to 6393.

6 Annex 16 I shall not read. 1 and 2 corres-
7 pond to prosecutions exhibit 555-C, transcript pages
8 6400 and 6401.

9 Annex 17, 1 and 2, corresponds to prosecution
10 exhibit 556, transcript page 6402.

11 Annex 18 is the same as prosecution's exhibit
12 555-B, transcript pages 6396-6369.

13 Annex 19, 1 and 2, are the same as Annex 18
14 with its confirmation.

15 Annex 20, Number 1, is the final Pact, the
16 same as prosecution's exhibit Number 43.

17 Annex 22 is prosecution's exhibit 555-B.

18 Annex 23 I shall read; a letter from the
19 Foreign Minister to the German Ambassador:
20

21 "Excellency:

22 "I have the honour to acknowledge receipt of
23 Your Excellency's letter No. G-1000 of this date, and
24 I feel happy to take note of the contents", and so on.

25 Those are the final documents which comprise
the entire list of annexes, including the final draft

1 of the Tripartite Pact. That concludes the reading of
2 defense document 1656-A.

3 I would like to offer in evidence defense doc-
4 ument 2477, the affidavit of Ambassador Ott, concern-
5 ing the general questions which are involved in the
6 exhibits introduced by the prosecution as emanating
7 from Ambassador Ott while he was on duty in Japan.
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THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, I
2 desire to point out that no opportunity was had by
3 the prosecution to cross-examine on this affidavit,
4 rather, to interrogate the witness on this affidavit.
5 However, no objection will be made to its introduc-
6 tion on that score. Interrogatories and cross-
7 interrogatories were agreed upon between the prosecu-
8 tion and the defense, but this is an additional affi-
9 davit which the prosecution did not see until after
10 the repatriation of Ambassador Ott.
11

12 The only objection that I have to make is
13 to one sentence, the last sentence, appearing in
14 paragraph five, entitled "Lack of Cooperation." The
15 objection is to the sentence beginning "General
16 Marshall" on the ground that General Marshall's state-
17 ment appears in evidence, and this reference to it
18 is an inaccurate reference. It is also objectionable
19 on the ground that it constitutes argument.

20 THE PRESIDENT: Mr. Cunningham.

21 MR. CUNNINGHAM: Well, on the question of
22 lack of ability of the prosecution to cross-examine
23 the witness, that was beyond our power. As you will
24 recall, I ordered a subpoena for this witness. The
25 subpoena was issued by the Tribunal, and the sub-

1 poena was not honored by the Chinese Government.

2 THE PRESIDENT: What about the objection to
3 the last sentence in the paragraph headed "Lack of
4 Cooperation"?

5 MR. CUNNINGHAM: That is merely corrobora-
6 tion; and, if it is not necessary, why, I do not
7 care particularly about it.

8 THE PRESIDENT: I think you ought to strike
9 that out, Mr. Cunningham.

10 Well, the document is admitted, subject to
11 the deletion of that sentence, on the usual terms.

12 CLERK OF THE COURT: Defense document 2477
13 will receive exhibit No. 3146.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3146 and received in evidence.)

17 MR. CUNNINGHAM: I now offer to read in
18 evidence the affidavit of Eugen Ott.

19 "I, Eugen Ott, after being first duly sworn
20 on oath, do hereby depose and say that I was ambassa-
21 dor from Germany to Japan at some of the times when
22 Ambassador OSHIMA was the Japanese representative in
23 Germany.
24

25 "THE SINGAPORE QUESTION

"I made the survey on the possibilities of

1 a Japanese attack on Singapore in early 1941 thru my
2 own initiative and not in response to any instructions
3 from my government. OSHIMA had no part in the discus-
4 sions from the Japanese side.

5 "THE TRIPARTITE PACT

6 "In all of the discussions leading up to
7 the Tripartite Pact there never was one word said
8 about aggressive or offensive action, that is by the
9 contracting parties. The main purpose of the agree-
10 ment was to prevent the entry of the United States
11 into the war. OSHIMA took no part whatsoever in any
12 of the discussions.

13 "SUBMARINE TRANSFER

14 "The transfer of the two submarines was
15 handled purely as a navy transaction. Never have I
16 heard that the Ambassadors of either nation took any
17 active part in the transaction. Their transfer was
18 of no practical value to either country. The actual
19 delivery took place after my tour of duty.

20 "LACK OF COOPERATION

21 "Never at any time during my tour of duty
22 in Japan, either as Military Attache or as ambassa-
23 dor, was there any real cooperation between the fight-
24 ing forces of the two countries, Japan and Germany.
25

1 "MATSUOKA'S VISIT TO HITLER

2 "I was with MATSUOKA on his tour of Europe
3 and Russia in 1941. The feeling was very cool be-
4 tween the Japanese foreign minister and Ambassador
5 OSHIMA. No conferences were attended by them to-
6 gether with the exception of the preliminary intro-
7 ductory meetings. After that OSHIMA attended only
8 the social and informal occasions.

9 "PEARL HARBOR ATTACK

10 "Since I was the ranking Germany official in
11 Japan at the time of the attack on Pearl Harbor, any
12 advance news of the event would have been brought to
13 my attention. It came as a complete surprise to me
14 as well as to the other members of my staff. I was
15 officially informed hours after the occurrence. We
16 Germans were never advised of Japanese Military or
17 Naval plans until after the events took place.

18 "CHINESE JAPANESE WAR.

19 "It was the settled foreign policy of Germ-
20 any while I was Military Attache and ambassador to
21 help settle the conflict between Chiang Kai-shek and
22 Tokyo. At times success seemed close. I spent con-
23 siderable effort personally to bring peace to the
24 Far East by attempting conciliation. My efforts in
25 this direction all failed. Germany cherished her

1 friendly relations with China and valued highly her
2 commercial possibilities. Germany was never favored
3 over other nations in her commercial dealings with
4 Japan, except during the World War II.

5 "This statement was made on the day before
6 my repatriation to Germany. Signed in Shanghai,
7 China, on this 30th day of August, 1947.

8 "EUGEN OTT

9 "Sworn to before the Vice Consul of the
10 United States at Shanghai, China."

11 If your Honor please, before I close the
12 offering of testimony and evidence in the relations
13 between Germany and Japan, I would kind of like to
14 have a direction if it is necessary for the defense
15 to go forward on this proof. Up until now we have
16 tried to show that there was no cooperation between
17 the two nations. I believe we have shown that. Now
18 we are prepared to go forward to show that there was
19 actual double-crossing of Germany -- of Japan by
20 Germany, and I wonder if it is necessary to go beyond
21 the point at which we have now arrived.

22 THE PRESIDENT: Offer whatever evidence you
23 think you should offer. We will not undertake to
24 advise you how you are getting along in our estima-
25 tion, Mr. Cunningham.

1 MR. CUNNINGHAM: Well, if you want to save
2 a couple of weeks, you can dismiss Count 5 at this
3 juncture of the case.

4 THE PRESIDENT: We are not here to make any
5 bargains with the defense.

6 Mr. Brannon.

7 MR. BRANNON: Does the Tribunal have defense
8 document 2484?

9 On the 22nd of August, the defense offered
10 in evidence document 2115, which was an except from
11 the Nuernberg decision relative to the United States
12 submarine warfare in the Pacific, which was rejected
13 by the Tribunal. We now offer in evidence defense
14 document 2484 which is the interrogation of Fleet
15 Admiral Chester W. Nimitz of the United States Navy
16 pertaining to the same matter.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If it please the Tribunal,
19 at the time the first document was tendered, the ob-
20 jection that the prosecution made covered not only
21 the form in which the document was presented, in the
22 nature of a judgment as it was, but also the content
23 of it. And I do not know whether the rejection was
24 on both grounds or only on one ground. However, I
25 desire to make it plain that our objection to the

1 document in its present form is on the ground that
2 the point involved is not relevant or material to
3 any issue in this case. The document deals with
4 unrestricted warfare. The Indictment charges, in
5 Sections 13, 14 and 15 of Appendix D, matters relat-
6 ing to submarine warfare, but they do not involve the
7 matter mentioned here.

8 THE PRESIDENT: What does the Indictment
9 say?

10 MR. TAVENNER: Section 13 refers to killing
11 survivors of ships sunk by naval action and crews of
12 captured ships. Section 14 refers to the failure
13 to respect military hospital ships. And the only
14 other section dealing with naval warfare is Section
15 15 which relates to attacks upon neutral ships. In
16 any view of the matter, we take the position that the
17 subject of this document is irrelevant and immaterial.

18 THE PRESIDENT: Mr. Brannon.

19 MR. BRANNON: I was under the impression
20 that the Tribunal had ruled upon the relevancy of
21 the document but merely suggested that there was a
22 better way of presenting it.

23 THE PRESIDENT: Something turned on what
24 Admiral Nimitz or the Nuernberg Court meant by the
25 term "unrestricted submarine warfare." But he said

1 nothing to justify the assumption that the deliberate
2 killing of survivors was included or the sinking of
3 hospital ships.

4 MR. BRANNON: If the prosecution is willing
5 to withdraw from the Indictment any charge relative
6 to Japanese submarine activity, I am quite willing
7 to forego the reading of this document. In addi-
8 tion, this document states that from the commencement
9 of hostilities, December 7, 1941, this unrestricted
10 submarine warfare was pursued. That in and of itself
11 may provide either justification or excuse or provo-
12 cation such as may be viewed by the Tribunal relative
13 to the subsequent action of the Japanese Navy in re-
14 gard to submarine warfare.

15 THE PRESIDENT: I am told -- I haven't read
16 this affidavit or this interrogation of Admiral
17 Nimitz -- that it refers to attacks on neutral ships.

18 MR. TAVENNER: If it please the Tribunal,
19 the document shows on its face clearly that by un-
20 restricted warfare was meant attack upon merchantmen
21 without warning; and the whole subject of the interro-
22 gation indicates that that is the subject of the docu-
23 ment -- that that was the subject matter which was
24 meant -- the definition meant by the term "unrestrict-
25 ed warfare."

1 THE PRESIDENT: Yes. Well, it is very dif-
2 ficult to see how it is relevant to any conduct of
3 the Japanese. By a majority, the Court sustains the
4 objection and rejects the document.

5 Mr. Blewett.

6 MR. BLEWETT: If the Court please, instead
7 of calling a witness in defense document 2120, the
8 prosecution has graciously waived cross-examination.
9 Therefore, I offer in evidence defense document No.
10 2120.

11 THE MONITOR: Our section was informed to
12 the effect that Mr. Roberts would go on this after-
13 noon. Therefore, we do not have your documents.

14 MR. BLEWETT: I shall have to defer this
15 then, your Honor. (Pause) The Language Section has
16 now been furnished with the Japanese documents, your
17 Honor.

18 THE PRESIDENT: Yes, Mr. Blewett. They
19 appear to be ready now. There is no light against
20 you.

21 MR. BLEWETT: I offer the document in evi-
22 dence, if your Honor please.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2120
25 will receive exhibit No. 3147.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3147 and received in evidence.)

4 MR. BLEWETT: Before reading the affidavit
5 of this witness, I refer the Tribunal to page 16,800
6 and 16,801 of the transcript where reference is made
7 to the reception of declarations by the accused and
8 also exhibits 103 to 129 which are the personal
9 records.
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1 e. I shall read exhibit No. 3147:

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3 "I served in the Bureau of Decorations of
4 the Cabinet for more than nine years from February
5 1938 and at present occupy a high position in the
6 Bureau next to the President.

7 "The granting of rewards comes under the
8 charge of the Bureau of Decorations. I have personal
9 knowledge of the rewards that were awarded after I
10 entered the service such as those of the China In-
11 cident, and also I know of the rewards prior to the
12 Incident in general since I investigated them as part
13 of my duties.

14 The extensive rewards granted as in the
15 Manchurian and China Incidents were granted through
16 the following procedure:

17 "(a) First, the standing rules regarding
18 rewards are made according to the decisions of the
19 Cabinet meeting.

20 "(b) Next, the Ministries concerned apply to
21 the Bureau of Decorations for rewards within the fixed
22 number of persons, and at the same time have their
23 officials in charge explain to the Bureau their reasons
24 orally.

25 "(c) The Bureau of Decorations on its part

expresses its opinion on the above.

"(d) Thus, finally, as a result of deliberations on both sides, the reward bill is drafted.

"(e) The above bill is submitted to the Rewards Conference which is composed of fifteen regular councillors (besides two members of the Imperial family) and then the Conference passes the bill, it is presented to the Prime Minister.

"(f) The Prime Minister reports of it to the Throne to obtain Imperial sanction.

"(g) When Imperial sanction is given, the rewards are then granted.

"Even with rewards on a small scale as the time of the anti-Comintern Pact, the same procedure as mentioned above was used with the exception that standing rules were not made.

"The rewards include the grant of decorations, cups and money.

"Those who were granted rewards in the Manchurian Incident total 452,826. Among them, those who rendered distinguished services (given the Order of the Golden Kite) reached 9,096; those who performed meritorious service (chiefly given the Order of the Rising Sun) numbered 158,593; and those who rendered exceptional services (chiefly given the Order of the

1 Sacted Treasure), 153,881. Among those who were
2 awarded the rewards are WAKATSUKI, (Given a set of
3 gold cups), SHIDEHARA, (given a set of gold cups),
4 General UGAKI, (given a set of gold cups), HAYASHI,
5 (given the 2nd Class Order of the Rising Sun), MORI-
6 SHIMA, (given the Order of the Rising Sun, 2nd Class),
7 and Major General TANAKA, (given the Order of the
8 Rising Sun, 4th Class in the first awards and 3rd
9 Class Order in the second). WAKATSUKI, SHIDEHARA and
10 UGAKI were given a set of gold cups respectively in
11 lieu of decorations because they had already higher
12 class decorations.

13 "Those who were granted rewards at the time
14 of the anti-Comintern Pact total 49, of which 11 were
15 given decorations and 38 were given cups. Among those
16 who were given decorations were ARITA, (given the Order
17 of the Rising Sun, 1st Class), as Foreign Minister,
18 MUSHAKOJI, (given the Order of the Rising Sun, 1st
19 Class, as Ambassador Extraordinary and Plenipotentiary
20 to Germany), HORINOUCI, (given the Order of the Rising
21 Sun, 2nd Class, as Vice-Foreign Minister), and KURIYAMA,
22 (given the Order of the Rising Sun, 3rd Class, as Di-
23 rector of the Treaty Bureau in the Foreign Office).
24 Among those who were granted silver cups were HAYASHI,
25 (given a set of silver cups as the Minister of Justice),

1 IWAMURA, (given a silver cup as the Director of the
2 Bureau of Criminal Affairs).

1 "(VIII) Those who were granted rewards in
2 the China Incident total 3,319,548. Among them, those
3 who rendered A-Class distinguished services reached
4 3,370 and those who rendered B-Class distinguished
5 services, 182,992 (they were both given the Orders of
6 the Golden Kite); next, those who performed meritorious
7 services (chiefly given the Orders of the Rising Sun)
8 reached 1,768,053 and those who rendered exceptional
9 services (chiefly given the Orders of the Sacred
10 Treasure) reached 605,173. Among those who were granted
11 decorations were Lieutenant General ISHIHARA, Kanji
12 (given the Order of the Sacred Treasure, 1st Class)
13 and Major General TANAKA, Ryukichi (given the Order
14 of the Golden Kite, 3rd Class, and the Order of the
15 Rising Sun, 2nd Class).

16 "(IX) There was no one who was granted
17 rewards in recognition of their services in conclud-
18 ing the Tripartite Alliance on September 27, 1940. On
19 the other hand, 15 persons were granted rewards in
20 consideration of their services in concluding the
21 Anglo-Japanese Pact in 1902 (Meiji 35) and a total of
22 29 were given rewards for their services in concluding
23 the French-Japanese and Russo-Japanese Pacts in 1907
24 (Meiji 40).

25 "(X) Formerly, some were created peers in

1 recognition of their meritorious services in war and
2 in conclusion of treaties. Creation of peerage, how-
3 ever, is in the charge of the Bureau of Peerage and
4 Heraldry in the Imperial Household Department and is
5 not within the jurisdiction of the Bureau of Decora-
6 tions, so I am not in a position to speak about the
7 matter." Signed.

8 The Tribunal will recall that WAKATSUKI,
9 page 1553, SHIDEHARA, page 1318, HAYASHI, page 2178,
10 and MORISHIMA, page 3006, were apparently opposed, as
11 submitted by the prosecution, to the Manchurian
12 Affair.

13 THE PRESIDENT: So was MORISHIMA, was he not?

14 MR. BLEWETT: I referred to him, sir.

15 THE PRESIDENT: Did you?

16 MR. BLEWETT: Yes, page 3006.

17 UGAKI also testified on page 1604, and
18 TANAKA, among other places in the record, on page 1945.

19 ARITA, MUSHAKOJI, and HORINOUCI are well
20 known to the Court through various exhibits pertain-
21 ing to the Anti-Comintern Pact.

22 That concludes, if the Tribunal pleases, the
23 Pacific war division of the defense, with the excep-
24 tion of some evidence on the economic subdivision
25 which is quite extensive, on which the prosecution and

1 the defense are now endeavoring to work out a com-
2 promise and file a stipulation. We ask if we may have
3 a reservation for that purpose, sir?

4 THE PRESIDENT: How long will it take if you
5 do not compromise?

6 MR. BLEWETT: Sir, it would run into several
7 days if we are unable to agree upon a stipulation,
8 but we are quite certain we can agree upon a stipula-
9 tion. The length of time it will take between the
10 defense and the prosecution, however, will be some
11 time. If we are able to agree, sir, on a stipulation,
12 the time taken will be just about a half hour.

13 THE PRESIDENT: By all means, try to agree.
14 Mr. Roberts.

1 MR. ROBERTS: At this time I should like
2 to submit to the Court a number of statements, deci-
3 sions and circular telegrams of the Chinese communists
4 beginning with 26 April 1932, on which day the Chinese
5 Communist Party declared war against Japan, up to the
6 time immediately following the Marco Polo Bridge
7 Incident. I am going to prove by these documents that
8 the Chinese Communist Party declared war against Japan
9 and used this declaration as the opening gun in its drive
10 in acquiring power, and to strengthen and enlarge the
11 organization of the party itself; how by deliberate
12 preparations the party insidiously tried to sway the
13 minds of the people, strove for the organization of a
14 peoples' united anti-Japanese front, using frenzied
15 propaganda and agitation; how they literally plotted
16 the Hsian Incident, thereby successfully uniting the
17 Nationalist Party (Kuomintang) with the Communist Party;
18 how the anti-Japanese movement developed, finally to be
19 the cause of the Marco Polo Bridge Incident, by causing
20 the Chinese side to fire first; and how by intentionally
21 hindering the settlement of the Incident and continually
22 aggravating the situation they thereby directly threat-
23 ened the Japanese inhabitants in China with the loss of
24 their lives and their property.
25

First, I offer for identification a book

1 entitled "History of the Chinese Communist Party in
2 1932." This is a collection of official reports
3 printed by the information branch of the Foreign
4 Affairs Ministry based on the most trustworthy material
5 chosen from the reports of the Japanese officials in
6 China and actually used in the Foreign Office as
7 confidential documents for reference.

8 CLERK OF THE COURT: The book entitled
9 "History of the Chinese Communist Party for the year
10 1932," printed in Japanese, will receive exhibit
11 No. 3148 for identification only.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3148 for identification only.)

15 MR. ROBERTS: Next I offer defense document
16 No. 1851. This is an excerpt from the above stated
17 book, exhibit 3148 for identification. This is the
18 declaration of war against Japan announced on 26 April
19 1932 by the Provisional Government of Soviet China.
20 This document will show that in spite of the efforts
21 of the Chinese National Government to make peace and
22 thereby to establish peaceful relations with Japan, the
23 Chinese Communist Party deliberately interfered in the
24 situation; and that the Chinese communists declared war
25 against Japan, and actually did try to drive Japanese

1 people and interests out of China by means of the
2 peoples' war of revolution.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please the Tribunal,
5 the prosecution objects to this document, indeed to
6 the whole series of documents, to which my learned
7 friend has just referred although I cannot for a
8 moment accept his description of their contents as
9 being accurate. The whole of these documents were
10 in effect tendered and rejected before as parts of
11 or in connection with two affidavits, one by a witness
12 named OTSUKA, who was tendered at page 22,432 of the
13 record, and also the same documents apparently in
14 connection with the affidavit of a witness named HATANO
15 at page 22,675 of the record, or rather beginning a
16 little earlier than that at page 22,668.

17
18 There were then two types of objection taken
19 to them. The first and main one was that they were
20 irrelevant and offended against the numerous rulings
21 given by the Tribunal on the question of documents
22 relating to communism in China at the following pages:
23 21,081, 21,115, 22,412, 22,451, and 22,455. The effect
24 of those rulings taken together was that each accused
25 might, when he came to give his own evidence, tender
~~his fear of communism in explanation of his acts; that~~

1 is to say, give evidence as to his own state of mind,
2 but that evidence would not be received in the phases
3 or at any other time with regard to the existence or
4 spread of communism or of any other ideology in China
5 or elsewhere, but that evidence might be given of an
6 actual attack on Japanese nationals or property by
7 Chinese communists or any other Chinese or of a threat
8 of attacks of that character where the threat is of a
9 serious nature, is imminent, and the persons making it-
10 have present ability to give effect to it. These docu-
11 ments which are being tendered now do not purport to
12 show anything of the kind.

13 THE PRESIDENT: We will recess now for
14 fifteen minutes.

15 (Whereupon, at 1445, a recess was
16 taken until 1500, after which the proceedings
17 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: What these documents do
5 purport to show, if they are authentic, is that on
6 various dates from the 26th of April, 1932, onwards,
7 the Communist Party in China incited the people of
8 China to resist the Japanese aggression in Manchuria
9 which at that date had already been in progress for
10 some seven months, and which had by that time resulted
11 in the overrunning by the Japanese of all the three
12 provinces of Manchuria, and I think also the fourth
13 province of Jehol.

14 They also purport to show that the Communist
15 Party was attacking the Kuomintang Government and
16 Chang Hsueh-Liang, the commanding general in that
17 area, for offering insufficient resistance to Japanese
18 aggression.

19 MR. ROBERTS: May I object to the prosecutor's
20 referring to documents which I have not offered in evi-
21 dence or tendered in any manner. I have offered one
22 document relating to one particular phase, stating
23 what is contained in that document. The prosecutor
24 is now going on to tell this Court what the other
25 documents which I am going to offer contain and why

1 they are objectionable.

2 THE PRESIDENT: We understand they are all
3 related and covered by the same argument. We do not
4 want to hear it a dozen times, Mr. Roberts. If this
5 communist declaration of war on Japan is rejected,
6 there isn't much hope for the rest.

7 MR. ROBERTS: That is so, but I wanted to
8 offer each document separately and have a ruling thereon,
9 because there may be relevancy in one document which
10 may not appear in another document.

11 THE PRESIDENT: We will hear Mr. Carr fully.
12 We do not want him interrupted. That will not prevent
13 you from tendering the separate documents.

14 MR. COMYNS CARR: Our submission is that on
15 this first document -- and the argument would be the
16 same on all the others -- an instigation to resist
17 what is described, and in our submission rightly, as
18 Japanese aggression which has already taken place, is
19 a totally different thing; is not only legitimate in
20 itself, but is a totally different thing from an
21 attack or threatened attack upon Japanese nationals or
22 property, which the Tribunal said before might afford
23 some justification for subsequent Japanese action and
24 might prevent that action, subsequent action, from
25 being of an aggressive character. In our submission,

1 it is an act which not only a Chinese communist but
2 any other Chinese was well entitled to take, and could
3 not come within the exception, suggested exception, to
4 the Tribunal's previous ruling.

5 That covers all the documents to which my
6 friend referred in his opening remarks except those
7 which took place after the outbreak of what is called
8 the China Incident on July 7, 1937. In that case,
9 the case of those documents, the same point applies,
10 with this difference, that at that stage the communists
11 in China were acting in conjunction with the Kuomintang
12 Government and both of them were engaged in resisting
13 what they considered to be aggression, and the three
14 communist documents tendered were issued in support
15 of that united resistance.

16 The other objection taken at the time when
17 these documents were first under discussion was that
18 no attempt had been made to account for the originals,
19 or to establish the authenticity of the alleged ori-
20 ginals if accounted for.

21 As far as the two affidavits then tendered
22 went, they were merely missing pieces of paper. In
23 part that objection is overcome by the certificates
24 now attached to the documents, and by a revised affi-
25 davit of HATANO which has now been served upon us,

1 which show that the present documents are copied from
2 a book which was in turn copied from some other pieces
3 of paper, the latter having been destroyed. But no
4 attempt has been made to show that the pieces of paper
5 which have been destroyed were in themselves authentic
6 documents or were, in fact, issued by the Communist
7 Party in China or anybody else.

8 For those reasons, we submit that this
9 document now under consideration should be rejected;
10 and subject to any special points my friend may produce
11 with regard to any later ones I shall not repeat the
12 argument with regard to those; it will be the same
13 objection.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: In rejecting the affidavit of
16 the witness HATANO at page 22,674 of the record, it
17 was stated by the President of the Court at that time
18 as follows:

19 "By a majority the Court upholds the objection
20 and rejects the document; but if the document is re-
21 drafted so as to conform to the rules, it will be
22 received so far as it is confined to statements of
23 relevant and material facts."

24 At that time the primary objection on the
25 part of the prosecution was that the statements in

1 the affidavit were matters that were opinion and we
2 should produce the documents and the certificate to
3 show the authenticity.

4 MR. COMYNS CARR: That was not the primary
5 objection. The objections were exactly as I have
6 stated them today.

1 MR. ROBERTS: We have here the witness
2 HATANO, who is again ready to testify before this
3 Board, who was responsible for making many of the
4 official reports which were sent to the Foreign
5 Ministry, and which were referred to as official
6 reports in the certificate. Although my friend
7 refers to them as pieces of paper, the certificate
8 states that they are collected from reports of the
9 Japanese Foreign Office authorities in China and are
10 considered as official documents from the Foreign
11 Office, marked "Confidential for reference." So that
12 under the ruling of this Court that where there is
13 a threat which may tend to endanger the lives or
14 property of Japanese nationals in China that infor-
15 mation is relevant and should be received. Certainly,
16 the official documents are a basis upon which it can
17 be shown that the defendants may have relied upon
18 these threats and had justification for the actions
19 which were taken by them. And with respect to the
20 first document offered, the showing therein of the
21 deliberate interference of the Communist Party in the
22 Sino-Japanese negotiations and an outright declaration
23 of war against Japan is certainly a threat to the
24 lives and property of Japanese nationals in China;
25 and certainly my friend's reference to later documents

1 which show that the National Government joined
2 forces with the Communist Party showed a ratification
3 of these acts of the Communist Party as shown in the
4 particular document which I have offered, being de-
5 fense document 1851, and it is certainly relevant
6 and material as to what these defendants may have
7 thought at the time action was taken in China.

8 THE PRESIDENT: Were the Communists, do you
9 suggest, in any position to follow up that so-called
10 declaration of war?

11 MR. ROBERTS: The documents will show an
12 evolutionary trend whereby they did gain power and did
13 consolidate their power and did join with the National
14 Government, so that they used this as a means of not
15 only extending their power but of influencing the
16 government at the same time, and certainly the war
17 situation today is sufficient evidence that that power
18 is still maintained.

19 THE PRESIDENT: By a majority the Court sus-
20 tains the objection and rejects the document.

21 MR. ROBERTS: I want to make a tender on
22 the record, if your Honor please, of the remaining
23 documents.

24 I wish to offer for identification a book
25 entitled, "The History of the Chinese Communist Party

1 in 1932."

2 CLERK OF THE COURT: The book printed
3 in Japanese, entitled, "History of the Chinese
4 Communist Party for the year 1933," will receive
5 exhibit No. 3149 for identification only.

6 (Whereupon, the book above re-
7 ferred to was marked defense exhibit
8 No. 3149 for identification.)

9 MR. ROBERTS: I next offer defense docu-
10 ment 1852, which is an excerpt from exhibit 3149
11 for identification, for the record.

12 THE PRESIDENT: To save time I suggest
13 that you offer all those documents as one, Mr.
14 Roberts. They can be lettered "A, B, C, D," and
15 so forth.

16 MR. COMYNS CARR: They are all objected to.

17 MR. ROBERTS: The documents are excerpts
18 from different books, if your Honor please; so that
19 where they are the same book we can letter them
20 together, but where they are a separate book we will
21 have to mark the book first and then mark them
22 according to the identification.

23 Next, I offer for identification a book
24 entitled, "History of the Chinese Communist Party
25 in 1934." This is similar to the book already

1 offered.

2 CLERK OF THE COURT: The book printed in
3 Japan, entitled, "History of the Chinese Communist
4 Party in 1934," will receive exhibit No. 3150 for
5 identification only.

6 (Whereupon, the book above re-
7 ferred to was marked defense exhibit No.
8 3150 for identification.)

9 MR. ROBERTS: And the defense document which
10 is an excerpt is document 1853, which I also offer.

11 THE PRESIDENT: It is rejected.

12 MR. ROBERTS: I offer for identification
13 a book called, "History of the Chinese Communist Party
14 in 1935," which is similar to the book previously
15 offered.

16 CLERK OF THE COURT: The book printed in
17 Japanese, entitled, "History of the Chinese Communist
18 Party for the year 1935," will receive exhibit No.
19 3151 for identification only.

20 (Whereupon, the book above re-
21 ferred to was marked defense exhibit No.
22 3151 for identification.)

23 MR. ROBERTS: And the excerpt from this
24 book which I offer is defense document 1854.

25 THE PRESIDENT: The objection is upheld and

1 the document rejected.

2 MR. ROBERTS: I next offer for identification
3 a book entitled, "History of the Chinese Communist
4 Party in 1936."

5 CLERK OF THE COURT: The book printed in
6 Japanese, entitled, "History of the Chinese Communist
7 Party for the year 1936," will receive exhibit No.
8 3152 for identification only.

9 (Whereupon, the book above re-
10 ferred to was marked defense exhibit No.
11 3152 for identification.)

12 MR. ROBERTS: There are three excerpts from
13 this book for identification, which are defense docu-
14 ments 1855, 1856, and 1858.

15 THE PRESIDENT: The objection is upheld and
16 the documents rejected.
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1 MR. ROBERTS: Next I offer for identification
2 "The History of the Chinese Communist Party in 1937."

3 LERK OF THE COURT: The book, print^d in
4 Japanese, entitled "History of the Chinese Communist
5 Party for the Year 1937" will receive exhibit No.
6 3153 for identification only.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 3153 for identification.)

10 MR. ROBERTS: The excerpts from this book are
11 defense documents Nos. 1859, 1860, 1861, 1862, 1863,
12 and 1864, which I hereby tender.

13 THE PRESIDENT: Objection upheld; documents
14 rejected.

15 MR. ROBERTS: I next call the witness HATANO
16 Kanichi.

17 MR. COMYNS CARR: Your Honor, in my submis-
18 sion, having regard to the previous ruling of the
19 Court, it is a waste of time to even swear this wit-
20 ness. His revised affidavit contains nothing except
21 an account of how he compiled these books and then a
22 number of the paragraphs purporting to summarize the
23 contents of the documents which have already been re-
24 jected.

25 MARSHAL OF THE COURT: Mr. President, may the

1 witness be sworn?

2 THE PRESIDENT: We will hear Mr. Roberts
3 first.

4 MR. ROBERTS: I would like to have him sworn
5 and then tender it in the regular order, or if the
6 Court wants to consider his affidavit --

7 THE PRESIDENT: Tender his affidavit and then
8 we will have the argument on the affidavit.

9 MR. ROBERTS: That is defense document No.
10 1876.

11 THE PRESIDENT: The affidavit is tendered.
12 Your objection?

13 MR. COMYNS CARR: I object to it for the
14 grounds already stated.

15 MR. ROBERTS: This man resided more than
16 twenty years in China, was actually on the scene and
17 observed the events which he describes in his affi-
18 davit. He refers to the activities of the Chinese
19 Communists in China and to the reports made by them,
20 because it was a part of his official duty to gather
21 reports and send them in to the Foreign Office.

22 MR. COMYNS CARR: Your Honor, there is no
23 reference in the affidavit to his seeing anything ex-
24 cept these pieces of paper.

25 THE PRESIDENT: In any event, his affidavit

1 would be relevant and material only if it included
2 evidence of attacks on Japanese persons or property
3 in China or evidence of threats of such attacks.

4 Does it come within the test laid down by
5 the Court? Apparently, it does not.

6 MR. ROBERTS: Well, it is the contention of
7 the defense that this relates to threats of attack
8 against Japanese lives and Japanese interests in
9 China.

10 THE PRESIDENT: We referred to imminent
11 threats, not latent ones.

12 MR. ROBERTS: It was certainly what this
13 witness believed to be threats of imminent attacks
14 and imminent danger not only to the lives of the
15 nationals and their properties but also to the very
16 existence of Japan itself.

17 THE PRESIDENT: I understand on page 3 there
18 is a reference to confiscation of Japanese property,
19 but that is a threat against all property by certain
20 political parties.

21 MR. ROBERTS: He explains the course of con-
22 duct of the Chinese in directing attacks and endanger-
23 ing property of the Japanese nationals, lives of the
24 people residing there. The prosecution has certainly
25 alleged that many attacks took place in China and

1 certainly here is the cause of the attack that did
2 take place. I'd like to know the reasons for them.

3 THE PRESIDENT: It is pointed out by a
4 Member of the Tribunal that if there were threats
5 by the Communists, they were later in time than the
6 Japanese action in Manchuria and China.

7 MR. ROBERTS: We certainly think that this
8 evidence shows that there were other events behind the
9 actions in China before the Japanese attempted any
10 movement whatever in 1931.

11 THE PRESIDENT: By a majority, the Court
12 sustains the objection and rejects the document.

13 The witness is released on the usual terms. 28,052

14 MR. ROBERTS: Mr. Williams will proceed.

15 THE PRESIDENT: Mr. Williams.

16 MR. WILLIAMS: If the Tribunal please, the
17 witness BABA Shachi was stood down at page 22,090 of
18 the record in order that the affidavit might be re-
19 drafted. The affidavit has accordingly been redrafted
20 and greatly condensed in accordance with the wishes of
21 the Tribunal.

22 I am informed that the prosecution does not
23 wish the witness called for cross-examination, his
24 testimony being embodied in defense document No. 2463,
25 which I herewith offer in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2463
3 will receive exhibit No. 3154.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 3154 and received in evidence.)

7 MR. WILLIAMS: I shall read the affidavit:

8 "AFFIDAVIT OF BABA, SHACHI

9 "1. I was born at my permanent domicile,
10 No. 64 Shibamotomachi, Aza Shimogamo, Sakyo-ku, Kyoto
11 City on August 18th, (the 27th year of Meiji); the
12 present address is 545, Tatsumi-machi, Fujisawa City,
13 Kanagawa Prefecture.

14 "2. I went to Manchuria in 1936 (Showa 11)
15 and studied the opium problem. I became executive
16 manager of the Ksinking Central Anti-Opium Committee
17 (central organ for anti-opium policy in Manchoukuo)
18 in January 1940 (Showa 15)."

19 The next sentence is a misprint.

20 "I was given the position of non-regular
21 member of the Manchoukuo Anti-Opium General Bureau
22 together with the position of secretary of the Man-
23 choukuo Anti-Opium Society until the end of the war,
24 and in the former capacity served in carrying out
25 Manchurian anti-opium policies.

1 as follows:

2 "Application of addicts' registration system;
3 sale of opium for the medical treatment of the regis-
4 tered addicts; medical treatment of the existing
5 addicts, etc. The administration was still in a pre-
6 paratory stage.

7 "The opium policy in north China was similar
8 to that of Manchoukuo in its principle of prohibition
9 by gradually decreasing the amount of opium generally
10 consumed. A perfect monopoly system had not yet been
11 established. The wholesale buying and selling were
12 entirely left to the Chinese a company named the Raw
13 Opium Company of purely private management acting as
14 the representative organ of the monopoly. Neverthe-
15 less, the raw opium which the government had the Raw
16 Opium Company buy up was not enough to meet the demand;
17 the government, therefore, bought about 3,500,000 Tael
18 of raw opium (the unit of opium weight in North China
19 is 31 grammes for one tael) every year from the Mon-
20 golian Government.

21
22 "In North China many opium smokers did not
23 register for several reasons. That is, there was no
24 difference between the price of official opium and
25 secretly sold opium, and those who registered had to
pay a registration tax for opium lamps and opium pipes,

1 "In 1942 I travelled through Central, South
2 and North China to investigate, according to instruc-
3 tions from the Manchoukuo Government, the opium ad-
4 ministration and general opium conditions. I was able
5 to obtain materials of various kinds by which I inves-
6 tigated the general condition of opium in China. I
7 was also present at the Manchurian and Chinese Liaison
8 Conference concerning this opium problem.

9 "Concerning opium I wrote the following books:

10 "'Outline of the History of Chinese Opium'
11 1940.

12 "'The History of the Eastern Penetration of
13 Opium' 1941.

14 "'Establishment of the Co-prosperity Sphere
15 in East Asia and the Opium Policy' 1943.

16 "'The Race and Opium' 1944.

17
18 "3. In 9th year of Kotaku (in 1942) I was
19 ordered to investigate the condition of opium admini-
20 stration in North China.

21 "I investigated the condition of opium in
22 the provinces administered by the North China Political
23 Council at that time the North China Political Council
24 established the Anti-Opium General Bureau in Peiping
25 with nine branches under its control and charged them
with the anti-opium administration. Its policies were

1 while those who did not register could get prepared
2 opium without difficulty at the same price whenever
3 they wanted to. Consequently, many did not register,
4 thereby making the registration extremely uncertain.
5 The number of chronic addicts of opium, by the Esti-
6 mate of the North China Political Council, was thought
7 to be not less than 3 per cent of the whole population
8 that is, 2,225,000.

9 "As to anti-opium work, especially in the
10 line of control, one nation or one district by itself
11 cannot accomplish the purpose. Therefore, regarding
12 control of smuggling done in the districts of Peiping
13 and Tientsin, North China and Manchuria, since they
14 all had difficulties in common they frequently held
15 liaison conferences and made common efforts in the hope
16 of finding a solution.

17 "The North China Political Council ordered
18 nine sanatoriums under the branches of the General
19 Bureau to apply Tungkuang Medicine Treatment and dis-
20 tributed the medicine to other noted hospitals, official
21 and private; thus the healing and salvation of the
22 patients was effectively started. The Tatung coal
23 mine in Mongolia decided to apply this method to
24 miners, in view of the good effect Tungkuang Treatment
25 might have in enhancing efficiency of labor, with

1 considerable success.

2 "As a Manchurian official connected with the
3 policy of opium prohibition, I am well informed of
4 Japan's policy toward China concerning opium. The
5 Japanese Government adopted a non-interference policy
6 in this point of opium administration, preferring that
7 China herself deal with matters concerning China, and
8 took an attitude of cooperating with the Chinese Anti-
9 Opium Policy, based upon the spirit of the International
10 Opium Convention. The Japanese Government maintained
11 a strong stand in rendering indirect help to the en-
12 forcement of the opium policy in China whenever
13 requests were made by the Chinese.
14

"Outline of Anti-Opium Policy Adopted by

1 Manchoukuo

2 "When it was first established, Manchoukuo
3 decided to forbid the use of opium and other narcotics.
4 In November 1932, the Anti-Opium Act was promulgated as
5 an ordinance of the State Council, and at the same time
6 a rescript was given to the people in the name of the
7 Premier ordering them to break their national habit of
8 the use of opium and other narcotics.

9 "Simultaneously with the issue of the Opium Act,
10 the new government set about the task of the long
11 neglected administrative readjustment which was necessary
12 for the enforcement of the new act. The 10-year plan for
13 the anti-opium campaign was formed and officially
14 announced on October 12, 1937.

15 "In the execution of this 10-year plan the
16 Manchoukuo Government paid the utmost attention to the
17 practical method for effecting a radical cure of the
18 registered addicts within 10 years.

19 "It was natural that various plans for the
20 medical treatment of the registered addicts, which were
21 prescribed in the enforcement plans of the 10-year Anti-
22 Opium Policy, required a great expense and an enormously
23 large-scale mechanism. At the outset five anti-opium
24 hospitals were projected, but later their number was
25

1 quickly doubled and further, plans were formed to build
2 one hospital of this kind in each of the provinces, cities,
3 prefectures and Mongolian villages.

4 "Thus at the end of 1941 two national hospitals
5 and 189 minor ones, including those established respect-
6 ively by provinces, cities and Mongolian villages, had
7 been completed and they were renamed 'Kangsheng-yuans.'
8 The smaller of these hospitals were equipped with 30
9 beds and the larger with as many as 390 or more, each
10 addict being permitted to receive hospital treatment, as
11 a rule, for a month.

12 "The number of the registered addicts that had
13 amounted to over 700,000 in 1938 yearly decreased, and
14 in 1944, they numbered 230,923.

15 "The Manchukuo government, with the aim of
16 furthering this 10-year Anti-Opium Policy, in January
17 1940 established the Anti-Opium Bureau by putting together
18 the Anti-Opium Section (formerly in People's Welfare
19 Ministry), and the Opium Section and the Opium Factory
20 in the Monopoly Bureau. This new system, the unifying
21 of organization and management -- greatly advanced the
22 development of the opium administration of the country.

23 "Though slight changes occurred now and then
24 the general system of opium administration after 1940
25 was as follows:--

1 "The central bureau was the Anti-Opium Bureau
2 and it had its branches in each of the provinces, cities,
3 prefectures and Mongolian Villages, these being in one
4 unified system. Among the 191 hospitals established for
5 the cure of opium addicts, those of the state establish-
6 ment were managed by the Anti-Opium Bureau, the others
7 were left by the government to the management of the
8 provinces, cities, prefectures and Mongolian villages,
9 with direct connection with the central bureau, thereby
10 forming an effective part of the Anti-Opium organization.
11 Opium and narcotics were to be distributed only to
12 registered addicts to be used as medicine till the cure
13 was finished. What differed in Manchoukuo from other
14 countries in this point of opium control was this:--

15 "1. None but the registered persons could buy
16 opium.

17 "2. The government yearly decreased the amount
18 of opium official sale until after 1942 no more than one
19 parcel 1 gram a day was allowed to be sold to one person.

20 "3. The return of the opium-ashes and parcel
21 paper was made compulsory.

22 "As above stated, Manchoukuo made a strict lim-
23 itation on the official sale of opium, using the Opium
24 Administration Offices directly managed by the Opium
25 Administration Divisions in each of the cities, prefectures

1 and Mongolian villages.

2 "When Manchukuo decided, as stated above, to
3 institute the Anti-Opium Campaign, the greatest problem
4 was how to deal with the registered Opium addicts,
5 numbering more than 700,000 in 1938. By the expenditure
6 of large" -- it should be that -- "large amounts in
7 managing hospitals and by fully mobilizing materials
8 as well as people, a system planned and carried out.

9 "With these efforts, especially with the
10 application of the Tungkiang medical treatment, the
11 Manchukuo Government was accomplishing the aim of the
12 anti-opium campaign, which seemed about impossible at
13 the beginning. In 1944, namely in the 8th year of the
14 ten year anti-opium campaign, the number of registered
15 smokers was only 230,000. It was expected that in the
16 three provinces of Tungan, Chientao and Lungkow opium
17 sales could be suspended at the end of 1944, as opium
18 smokers in those provinces should number zero by that
19 time.

20
21 "At the end of the eighth year of the 10-Year
22 Anti-Opium Policy the Anti-Opium Association was
23 established as a juridical person by an Imperial
24 Ordinance. The whole people of the state thus stood
25 together for the development of the Anti-Opium movement
by putting together the forces of educational, cultural,

1 religious and moral organization as well as of the
2 government.

3 "Ku Tsu-Heng, the Minister of Communications,
4 who had an enthusiastic interest in the promotion of
5 public welfare in Manchukuo, used to tell me as follows:
6 'The most successful of the policies taken by the Japanese
7 in Manchukuo is the anti-opium policy, and this has borne
8 remarkable results.'

9 "/S/ BABA, Shachi."

10 THE PRESIDENT: Major Blakeney.

11 MR. BLAKENEY: There remain a few odds and ends
12 of defense evidence which for one reason or another were
13 not introduced at the time the defense Russian phase was
14 in progress. First of these, I offer in evidence defense
15 document 1801, being a map of the Hailar Sapa area
16 prepared in 1932 by the Japanese Land Survey Department,
17 showing the Manchukuo-Mongolia border following the
18 River Khalkin.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1801 will
21 receive exhibit No. 3155.

22 (Whereupon, the document above re-
23 ferred to was marked defense exhibit No. 3155
24 and received in evidence.)

25 MR. BLAKENEY: Defense document 1802, which I

1 new offer in evidence, is a set of five maps, prepared
2 by the Japanese Land Survey Department at various dates
3 from 1933 to 1936, based upon Russian originals, showing
4 on a small scale (1:100,000) the Nomonhan area, from which
5 it is clear that the Manchukuo-Mongolia boundary follows
6 the Khalkin-Gol from Lake Buir Nor.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense documents 1802-A to
9 E will receive exhibit Nos. 3156 and 3156-A,B,C and D.

10 (Whereupon, the documents above re-
11 ferred to were marked defense exhibit Nos.
12 3156 and 3156-A,B,C and D respectively and
13 received in evidence.)

14 MR. BLAKENEY: Next I offer in evidence a
15 certificate of provenance of exhibit 2713 as well as of
16 six other sheets of the set from which it is taken. It
17 bears defense document No. 1803A-F and exhibit 2713. I
18 take it, it doesn't require an additional number. Since it
19 relates to the exhibit already in evidence, I assume it
20 doesn't require an additional number.

21 The six other sheets of the same map, defense
22 documents 1803A-F, I offer in evidence only at the request
23 of the prosecution, they having no interest to the defense
24 nor any bearing on the issues of the case.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense documents
2 1803-A to F will receive exhibit Nos. 3157 and 3157-A,
3 B,C,D and E.

4 (Whereupon, the documents above re-
5 ferred to were marked defense exhibit Nos.
6 3157, and 3157-A,B,C,D and E respectively
7 and received in evidence.)

8 MR. BLAKENEY: I now offer in evidence the
9 certificate of provenance of exhibit 2714 --

10 THE PRESIDENT: Major Blakeney, I think you
11 are travelling too fast somehow. My colleagues are not
12 getting all these documents and they are getting them
13 unmarked.

14 We will adjourn now until half-past nine tomorrow
15 morning.

16 (Whereupon, at 1600, an adjournment was
17 taken until Wednesday,,10 September 1947, at 0930.)

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